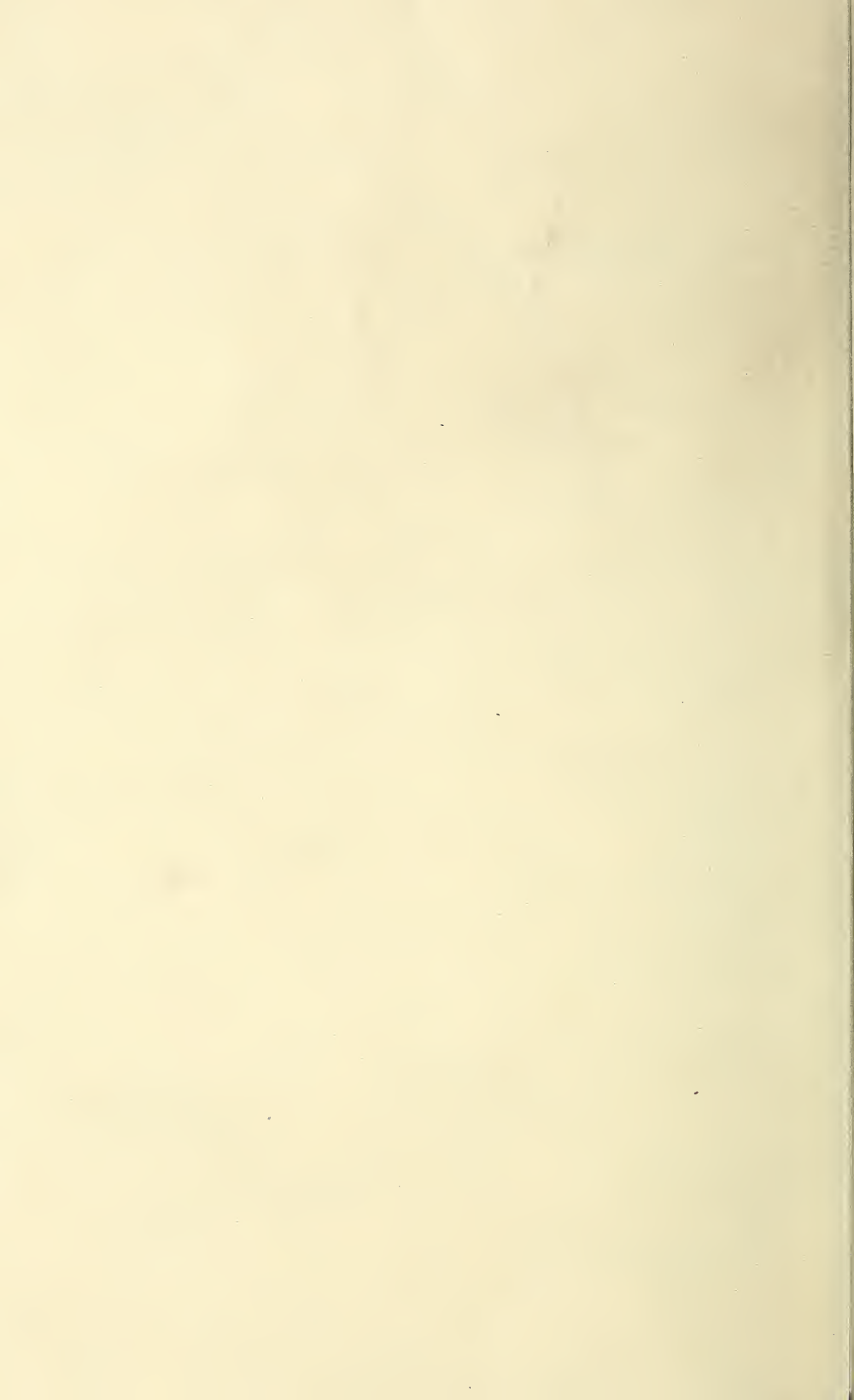


Historic, Archive Document

Do not assume content reflects current
scientific knowledge, policies, or practices.



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21501-21600

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 8, 1934]

21501. Misbranding of Idan Ha Lithia Water. U. S. v. 473 Bottles of Idan Ha Lithia Water. Product adjudged misbranded and ordered delivered to a veterans' hospital. (F. & D. no. 30602. Sample no. 36168-A.)

This case involved a product which was represented to be lithia water but which was found to contain a negligible amount of lithia.

On June 21, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 473 bottles of Idan Ha Lithia Water at Salt Lake City, Utah, alleging that the article had been shipped on or about March 13 and April 4, 1933, by the Idan Ha Mineral Water Co., from Soda Springs, Idaho, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of a moderately mineralized water, the dissolved mineral matter consisting chiefly of magnesian limestone, and that it contained a negligible proportion of lithia.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Lithia Water", was false and misleading, since analysis of a sample showed that the article was a moderately mineralized water containing a negligible proportion of lithia, the dissolved mineral water consisting chiefly of magnesian limestone. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

On October 7, 1933, no claimant having appeared for the property and the court having found that the product though misbranded was fit for human consumption, judgment was entered ordering that it be delivered to the United States Veterans' Hospital at Salt Lake City.

M. L. WILSON, Acting Secretary of Agriculture.

21502. Misbranding of M R Son Pink Wonders. U. S. v. 204 Boxes of M R Son Pink Wonders. Default decree of destruction. (F. & D. no. 30652. Sample no. 41527-A.)

Examination of the drug product M R Son Pink Wonders disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box and carton labels, and in a circular shipped with the article. The labeling was further objectionable since it was claimed in the circular that the article contained no harmful drugs and might be taken at frequent intervals; whereas it contained acetphenetidin, a potentially harmful drug; and since the label, in declaring the presence of acetphenetidin, failed to bear a statement that acetphenetidin is a derivative of acetanilid.

On June 24, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 boxes of M R Son Pink Wonders at Booneville, Mo., alleging that the article had been

shipped in interstate commerce, on or about November 3, 1932, and May 15, 1933, by M. R. Son Co., Inc., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets containing 2.5 grains of acetphenetidin (a derivative of acetanilid) and 3.5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the statement in the circular, "Do not contain any harmful drugs and may be safely taken at frequent intervals", was false and misleading, since the article contained acetphenetidin, a potentially harmful drug. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of an acetanilid derivative contained in the article, since the declaration of acetphenetidin did not contain a statement to the effect that acetphenetidin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Tin box) "For * * * sciatica, lumbago, acute rheumatism * * * earache, toothache, and periodical pains * * * sore throat"; (display carton) "They Banish * * * Pains * * * Banish pain"; (circular) "Very effective for the treatment of * * * influenza, etc.—in brief, for everything in the ache line. Do not impair your vitality or vigor; do not make your mind and nerves be upset. It is all unnecessary to endure these pains—if you follow the directions given on this box. It is surprising how quickly they will give you the desired relief and permit you to work and play free from pain. For * * * sciatica, lumbago, rheumatism * * * earache, toothache and periodic pains * * * for a sore throat."

On October 23, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21503. Misbranding of Dr. Clark Johnson's Syrup. U. S. v. 6 Dozen Bottles of Dr. Clark Johnson's Syrup. Default decree of destruction.
(F. & D. no. 30942. Sample nos. 42798-A, 42799-A.)

Examination of the drug product Dr. Clark Johnson's Syrup disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 7, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six dozen bottles of Dr. Clark Johnson's Syrup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about October 14, 1932, by the Kells Co., Inc., from Newburgh, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including aloe, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle label) "Blood Syrup Invigorates the Liver Tones the Stomach Regulates the Bowels * * * medicine for many troubles arising from a disordered condition of the Stomach, Liver and Bowels", (carton) "Indian Blood Syrup Regulates the Bowels, Tones the Stomach, Invigorates the Liver. * * * Indian Blood Syrup * * * Indian Blood Syrup * * * Medicine for many of the troubles arising from a disordered condition of the Liver, Stomach and Bowels"; (circular) "Formerly Known As * * * Indian Blood Syrup * * * Medicine for many of the troubles arising from a disordered condition of the Stomach, Liver and Bowels It Tones the Stomach It invigorates the Liver It Regulates the Bowels. * * * No part or organ of our bodies can thrive on bad blood. We take food in our bodies to nourish them, and after the nutritious parts of the food have served their purpose, in making fat, muscle and blood, the refuse or unnutritious part should be carried off through the bowels, through the kidneys, and through the sweat of the skin. Now, if the bowels are choked up, so that there be not an evacuation at least once each day, and if the skin is not in a condition to sweat, and the kidneys are not passing off the watery parts of what has been eaten,

the system cannot endure in health any considerable time, for every day that the waste part of the food is pent up in the system, the blood is becoming more and more poisoned. If the heart be fed on this impure blood, it cannot thrive. If the lungs receive impure blood into them they cannot thrive. If the Liver be compelled to filter, month after month and year after year, poisonous substances, it will soon give out; and so we might say of each and every organ of the body. If the skin be sallow and muddy; if there be ringing in the ears, constipation of the bowels, dull pains in the side, sick headache, sick stomach, hot and dry skin, spots before the eyes, bad taste in the mouth, cold feet and hands, sleepiness, giddiness, loss of appetite, bad circulation of the blood, swelled limbs, etc., then you may conclude your Liver is out of order and that you need something to start it into action. The liver is more liable to get out of order than any other organ of the body. Its duty is to filter the impurities from the blood, and when it becomes weak, obstructed and diseased, and fails to do its duty properly, then the whole body suffers in consequence. Does your food lie like a dead weight in your stomach after eating? Does your food sour on your stomach? Do your sides tremble and does your heart palpitate after eating? Is there difficulty in breathing, headache, dizziness, nervousness, bad breath, irritable temper, loss of strength? If any or all of these symptoms exist, you may conclude your stomach has lost its power to do its work properly. Whatever portion of our food is unserviceable should be passed off in the water, in the sweat and from the bowels. If these useless matters are retained, disease is sure to follow, for then the blood becomes poisoned with the impurities which should pass off in their proper channels."

On November 18, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21504. Misbranding of Tabonucol Pectoratol. U. S. v. Narciso Rabell Fernandez. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 28148. I.S. no. 38429.)

Examination of the drug preparation Tabonucol Pectoratol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label, and in a circular shipped with the article.

On June 15, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Narciso Rabell Fernandez, a member of a copartnership trading as the Tabonucol Manufacturing Co., San Sebastian, P.R., alleging that on or about June 7, 1931, the said defendant had offered for sale and sold in Puerto Rico, a quantity of Tabonucol Pectoratol, which was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of codeine sulphate (0.04 gram per hundred milliliters), an abstract of a plant drug, small proportions of guaiacol and eucalyptol, alcohol (3.2 percent by volume), sugar, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label and in the circular, falsely and fraudulently represented that it was effective as a reconstituent balsamic tonic for the broncho-pulmonary apparatus; effective as a powerful antiseptic and tonic for the respiratory apparatus; effective as a treatment for diseases of the throat, bronchi, and lungs; effective as an ideal balsamic and reconstituent preparation for pulmonary affections, such as sore throat, hoarseness, bronchitis (acute and chronic), initial grippe and catarrhs in general; effective to promote expectoration and to relieve the pains caused by congestion of the lungs; effective as a reconstituent tonic for the respiratory tract; effective as a positive reconstituent for the broncho-pulmonary apparatus; effective as a powerful antithermic in catarrhal and pulmonary fevers; effective as a pulmonary antiseptic; and effective as a treatment for catarrhal and pulmonary fevers, chronic bronchitis, bronchorrhea, asthma, incipient phthisis, pulmonary catarrhs, grippe, coughs, and hoarseness.

On November 15, 1933, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

- 21505. Adulteration and misbranding of aspirin tablets. U. S. v. 10 Gross Packages and 2 Gross Bottles of Tablets Aspirin. Default decree of condemnation and forfeiture. Product relabeled and delivered to charitable organizations. (F. & D. no. 30517. Sample nos. 17351-A, 17352-A.)**

This case involved an interstate shipment of alleged 5-grain aspirin tablets. Sample tablets taken from the shipment were found to contain from 4.1 to 4.3 grains of aspirin each.

On May 24, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross packages and 2 gross bottles of aspirin tablets at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about April 1, 1933, by the Hampton Manufacturing Co., from Carlstadt, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tablets Aspirin Five Grains."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Tablets Aspirin Five Grains."

Misbranding was alleged for the reason that the statement on the label, "Tablets Aspirin Five Grains", was false and misleading.

On October 23, 1933, no claimant having appeared for the property and the court having found that the tablets contained less aspirin than was declared on the label but were fit for use as aspirin tablets, judgment of condemnation and forfeiture was entered, and it was ordered that they be relabeled to show the correct aspirin content and delivered to charitable organizations for use.

M. L. WILSON, *Acting Secretary of Agriculture.*

- 21506. Misbranding of Alberty's Calcitane and Alberty's Liver Cell Salts. U. S. v. 20 Bottles of Alberty's Calcitane and 16 Bottles of Alberty's Liver Cell Salts. Default decrees of condemnation and destruction. (F. & D. nos. 30358, 30359. Sample nos. 28839-A, 28840-A.)**

Examination of the products involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 27, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 20 bottles of Alberty's Calcitane and 16 bottles of Alberty's Liver Cell Salts at Washington, D.C., alleging that the articles had been shipped in interstate commerce, between the dates of December 28, 1932, and March 21, 1933, by Thomas Martindale & Co., from Philadelphia, Pa., into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that they consisted essentially of milk sugar.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Alberty's Calcitane) "A Cell and Tissue Salts * * * Chief Remedy For The Growing Organism and For Correcting Constitutional Defects. Uses—Acidosis, indigestion, calcium starvation, diarrhea, brain irritation, teething children. A Tonic after acute diseases and for constitutional weaknesses, emaciation, bone diseases, scrofulous and tubercular tendencies"; (Alberty's Liver Cell Salts) "Liver Cell Salts For Malarial Disorders Biliousness and Diseases of the Liver Uric Acid Diathesis Uses—Ailments marked by excessive secretions of bile and derangement of the liver, gravel, sand in the urine, biliousness, headache with vomiting of bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, gout."

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

- 21507. Adulteration and misbranding of Rx A. S. Royce Antiseptic Solution. U. S. v. 117 Bottles of Rx A. S. Royce Antiseptic Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30550. Sample no. 31000-A.)**

This case involved a product represented to possess antiseptic and medicinal properties. Examination disclosed that the article was not an antiseptic when

used as directed, and contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 2, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bottles of Rx A. S. Royce Antiseptic Solution at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about April 25, 1933, by the National Medical Products Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of boric acid (0.5 gram per 100 milliliters), traces of volatile oils including methyl salicylate and thymol, oxyquinoline sulphate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of "Antiseptic", under which it was sold, since it would not be an antiseptic when used as directed.

Misbranding was alleged for the reason that the following statements on the bottle label were false and misleading, since the product would not be an antiseptic when used as quoted: "Antiseptic solution * * * general antiseptic containing among its several ingredients the powerful bacterial inhibitor, oxyquinoline. Use full strength or with two or three parts water for - gargle mouth wash - after shaving * * * minor cuts * * * nasal and throat spray * * * for external applications * * * bathe part with full strength * * * feminine hygiene: three tablespoonfuls to pint of water." Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article were false and fraudulent: "Use * * * for * * * pyorrhea - gingivitis * * * sores * * * body rash."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21508. Adulteration and misbranding of Espiritu Water No. 1. U. S. v. Eight 5-Gallon Bottles of Espiritu Water No. 1. Default decree of destruction. (F. & D. no. 31001. Sample no. 39238-A.)

Examination of the mineral water involved in this case disclosed that it was polluted with fecal *Bacillus coli*, also that the labeling bore unwarranted curative and therapeutic claims.

On August 26, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight 5-gallon bottles of Espiritu Water No. 1 at Waycross, Ga., alleging that the article had been shipped in interstate commerce, on or about August 14, 1933, by the Espiritu Water Co., from Safety Harbor, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it was a moderately mineralized water, sodium chloride being the predominating mineral constituent together with other mineral substances common to ground waters. Bacteriological examination showed that the article was polluted with fecal *B. coli*.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "No. 1 Water is used for all stomach disorders or irregularities and is a positive cure in many cases of eczema and other skin eruptions. The Fountain of Youth * * * These waters are recommended for Brights Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Neuritis, Stomach and Bowel Troubles, Rheumatism, Eczema, and Psoriasis * * * are favorably known for their beneficial influence in diseases of the stomach, liver, and kidneys, rheumatism, neuritis, and kidney stones. The waters from these springs are famous for their miraculous cures."

On October 21, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21509. Misbranding of Almklov's Eczema Specific. U. S. v. 22 Packages of Almklov's Eczema Specific. Default decree of destruction. (F. & D. no. 31084. Sample no. 40981-A.)

Examination of the drug preparation Almklov's Eczema Specific disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 12, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Almklov's Eczema Specific at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about August 25, 1933, by S. Almklov, from Cooperstown, N.Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc oxide (11 percent), ammoniated mercury (9 percent), and small proportions of camphor and menthol, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that certain statements appearing on the tin container and in a circular shipped with the article, regarding its effectiveness in the treatment of eczema, salt rheum, barber's itch, ulcers, itching piles, psoriasis, skin diseases, ringworm, itching of the rectum and scrotum, dandruff and itching scalp, severe itching and burning of the skin, old sores and running sores, were false and fraudulent.

On October 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21510. Misbranding of V. S. Poultrytone. U. S. v. 11 Packages of V. S. Poultrytone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31081. Sample no. 55561-A.)

Examination of the drug product V. S. Poultrytone disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The product would not aid egg production as claimed.

On September 12, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 packages of V. S. Poultrytone at Hatboro, Pa., alleging that the article had been shipped in interstate commerce, on or about April 3, 1933, by the Federal Food Co., from Fostoria, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, magnesium sulphate, and small proportions of sulphur, quassia, and capsicum.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "For Production of Eggs", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton, were false and fraudulent: "For Sick Fowls:—Separate the sick fowls from those not already affected, and give one tablespoonful daily for every 10 fowls."

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21511. Misbranding of Yerbavida. U. S. v. 234 Packages of Yerbavida. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31079. Sample no. 42382-A.)

Examination of the product Yerbavida involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 12, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District court a libel praying seizure and condemnation of 234 packages of Yerbavida at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about June 28, 1933, by the Yerbavida Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of an American species of ephedra.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Label) "Drink Your Way To Health Yerbavida 'The Herb of Life' Glands Must Be Fresh And Active The Endocrine Glands are the Alchemists Which Transmute Chemical Elements into physical Stamina and Mental Power. The vital organs must be supplied with the all-important glandular hormones. Premature old age, disease, low vitality, fatigue—are the result of endocrine glands that have become sluggish. If You are showing signs of old age; if you are losing your buoyancy—your charm—personality—your manly vigor or your feminine magnetism—Begin To Drink Yerbavida! Learn to really enjoy life! Be young in appearance, young in feeling, and young in actions. Drink Yerbavida! Prolonged acidity results in stomach, liver and bladder disorders—inflammation . . . ulcers . . . headaches . . . uric acid in the blood . . . constipation . . . and general fatigue. The Endocrine Glands cease to function properly and thus comes bodily decay and premature old age. Vitality! Youth! Beauty! Directions Rheumatism—Arthritis—Neuritis Should begin to get results in 10 to 30 days. One-half to one teaspoonful being required for each cup desired. The flavor should be rich and delicious. If it is too strong, more hot water should be added. Effects should be noticed in cases of stomach trouble the second day after using. A little lemon juice may be added if desired. It is equally effective hot or cold. It may be used as iced-tea. It may be taken with sugar and cream, with meals or between meals, and as many cups as one desires. It is especially beneficial in the treatment of kidney, bladder and stomach disorders, and their accompanying ailments. For sound, refreshing sleep, take one or two cups hot just before retiring"; (circular) "Vitality . . . Youth Beauty Assist Nature To Regulate the Endocrine Glands Yerbavida Nature's Plant Life The several thousand diseases of mankind may be reduced to either of two conditions—excessive acidity, or extreme alkalinity. A kindly plant has been used for ages to counteract excessive acidity in the blood, and to aid Nature in restoring the balance in a natural manner. Prolonged acidity results in stomach, liver and bladder disorders—inflammation . . . ulcers . . . headache . . . uric acid in the blood . . . constipation . . . and general fatigue, The Endocrine Glands cease to function properly, and thus comes bodily decay and premature old age. Become younger! Regain your buoyancy, your vitality and your strength. Drink Yerbavida! Plant Of Life For Untold Ages, growing wild in the deserts of the American continent, Yerbavida grew untouched by the hand of man until the Indians found that in the apparently useless shrub were medicinal properties which they used for their ills. Whenever these people were afflicted with stomach, kidney, bladder and other kindred troubles, they resorted to this kindly plant which Mother Nature so bounteously grew for her primitive children. * * * This tea is used largely in all kidney troubles * * * Some of our friends have told us of the results obtained in cases of rheumatism, neuritis, arthritis and other similar ailments within a few weeks. * * * It is especially beneficial in the treatment of kidney, bladder and stomach disorders, and in their accompanying ailments, such as nervousness, headache, rheumatism, arthritis, neuritis, diabetes, etc., resulting from the use of intoxicants, or from other causes. Plant Of Life * * * Directions * * * Effects should be noticed in cases of stomach trouble the second day after using, and in ten or twelve days for rheumatism or neuritis. * * * For sound, refreshing sleep, take one or two cups hot just before retiring. * * * Plant Of Life * * * Glands And Yerbavida Glands Must Be Fresh And Active. The Endocrine Glands are the Alchemists which Transmute Chemical Elements into physical stamina and mental power. The vital organs must be supplied with the all-important glandular hormones. Premature old age, disease, low vitality, fatigue—are the results of endocrine glands that have become

sluggish. If You are showing signs of old age, if you are losing your buoyancy—your charm—your personality—your manly vigor, or your feminine magnetism—Begin To Drink Yerbavida!"; (small leaflet) "Guarded Secret of the Orient for Stimulating The Glands! Send us fifteen cents in coin (no stamps) and we will mail you a sample copy of The Cosmic Dawn, a magazine that will tell you many things you should know—practical methods of increasing your Will, Magnetic Charm, and Power—Knowledge that may change your whole future life. In it you will find advice concerning your health, your mind, your social and domestic problems, and your finances. In fact, you will find much that will add to your prosperity and happiness. In addition to this you will receive, absolutely free, a Marvelous Exercise for stimulating the Endocrine Glands. Its effect is instantaneous. In one minute and a half you will feel lighter in body and clearer in head than you have ever felt before. With continued practice its effect on the memory and the mental powers will be astonishing. It has been a guarded secret of the Orient for centuries. Do This Exercise! Drink Yerbavida! and note the wholesome changes taking place in your health and in your affairs."

On October 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21512. Adulteration and misbranding of Compound Epsom Salt Tablets. U. S. v. 9 Dozen Bottles of Compound Epsom Salt Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31062. Sample no. 43037-A.)

This case involved a product represented to be Epsom salt tablets. Examination of the article showed that the two tablets specified in the directions as a dose contained but one-twentieth of a dose of Epsom salt, the two tablets, however, containing somewhat more than 1 grain of phenolphthalein to which could be ascribed its therapeutic effect.

On September 11, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine dozen bottles of compound Epsom salt tablets at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about July 25, 1933, by Hance Bros. & White, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained 5.1 grains of Epsom salt and two-thirds of a grain of phenolphthalein each. The active ingredient in the article was phenolphthalein.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Compound Epsom Salt Tablets."

Misbranding was alleged for the reason that the statement on the label, "Compound Epsom Salt Tablets", was false and misleading.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21513. Misbranding of Stuart's Dyspepsia Tablets. U. S. v. 141 and 141 Packages of Stuart's Dyspepsia Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30928, 31045. Sample nos. 40571-A, 40597-A.)

Examination of the drug preparation Stuart's Dyspepsia Tablets disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 22 and September 21, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 282 packages of Stuart's Dyspepsia Tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about June 19, 1933, by F. A. Stuart, and in part on or about August 14, 1933, by the F. A. Stuart Co., from Marshall, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted of large tablets composed essentially of calcium carbonate, magnesium carbonate, ginger, sugar, and starch; and small tablets composed essentially of calcium carbonate, extracts of plant drugs including red pepper and a bitter drug, sugar, and starch.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the tin container and in a leaflet and booklet shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Tin container) "Dyspepsia * * * Dyspepsia * * * If relief is not obtained, as in cases of acute indigestion, with severe pain, repeat the above dose of two large and one small tablet every 20 minutes if necessary. * * * Dyspepsia * * * to be used whenever any distress or discomfort is felt in the stomach"; (leaflet) "Dyspepsia * * * biliousness"; (booklet) "The Treatment of * * * Duodenal and Stomach Ulcer Cardialgia and Similar Stomach Disorders * * * Dyspepsia * * * In the past, sodium bicarbonate has been the alkali used by the public and physician in treating gastric and duodenal disorders. It has many disadvantages. Stuart's Dyspepsia Tablets * * * has these superior qualities: Only small doses are required, and it can be used continuously in any amount without producing renal calculi, constipation or diarrhoea. It cannot produce alkalosis, because not enough is absorbed in the blood, practically the entire amount taken being discharged from the body through the intestinal tract. Increased dosage is not required to relieve pain. Its effects are not just temporary. It is soothing and corrective. Reduced dosage is usually the result of using Stuart's (dyspepsia) Tablets. The resulting relief from pain makes life more enjoyable and improves the morale of the sufferer. Gastric Ulcers: Duodenal and Stomach Backache may be the only symptom, but usually the symptoms of chronic dyspepsia are present for months or years. The pain in ulcer occurs one to three hours after a meal, when the food has become saturated with acid. It disappears as the stomach empties itself. It occurs later after a large rather than after a small meal. Pain in an empty stomach not relieved by Stuart's Tablets is not due to ulcer. Periodicity of symptoms with spring and fall re-occurrence is characteristic of peptic ulcer. Regardless of treatment, eventually chronicity is prone to result. Ulcers should be treated medically until cure or chronicity results. Ninety percent of all cases recover under medical treatment. Gastric Ulcers usually show some, if not all, the symptoms of chronic dyspepsia. Belching gas, heartburn, cardialgia, coated tongue, fetid breath, bad taste in the mouth, food retained in the stomach causes gaseous distension, possibly nausea and vomiting; appetite capricious, headache, lassitude, heart palpitation and vertigo are common. Remissions, and as a result of dietetic errors, recurrence, Diarrhea may occur. The result depends on the stage to which the disease has advanced. Much is accomplished by calcium carbonate treatment (part of Stuart's formula). * * * dyspepsia is often permanently relieved by the use of the proper alkalies (Stuart's Tablets) * * * Practically all of the functional and organic or neurotic symptoms accompanying stomach or duodenal ulcers or mentioned in the description of dyspepsia, usually are accompanied by excess acidity of the stomach. This is relieved either by Stuart's Tablets or by vomiting. * * * 'In such a case these alkalies, Stuart's formula, which neutralize the excessive acid and decrease the secretion, is an appropriate remedy.' * * * 'They are almost solely employed in forms of dyspepsia. Without doubt cardialgia, gastric uneasiness. * * *' Cardialgia Heart Pain. A symptom of dyspepsia occurring at the height of digestion one-half to three or four hours after eating. The presence of hyperacidity is shown by the sense of weight and burning sensation over the stomach in the oesophagus, belching gas, pain over the heart, spasm of the upper end of the stomach; relieved by the proper alkalies or by vomiting. * * * Heartburn accompanies most all dyspepsia, following acute and chronic diseases that are characterized by malnutrition and loss of weight (a usual symptom of dyspepsia). (6) 'But experience shows that Lime salts (used in Stuart's formula) is a valuable remedy in deficient nutrition, and in convalescence from serious disease. In some instances these good results are traceable to the action of this lime salts on the mucous membrane of the intestines.' * * * (7) 'Hardt and Rivers describe cases treated for duodenal ulcer, who developed definite toxemia with renal changes due to giving sodium bicarbonate.' The advantages of the Stuart formula over sodium

and other alkalies in cases of dyspepsia, and other gastric diseases, is discussed in the Introductory herewith. * * * Stuart's Tablets can produce no ill effects, and form no habits if long administered, and are more effective in gastric diseases than any other drug in allaying pain, producing comfort and causing cure. Growing Children Dyspepsia (Sub-acidity, Acidity, Achylia are almost unknown), is a common symptom due to dietetic errors. In infancy, ulcer of the stomach or duodenum is rare, and is usually diagnosed at autopsy. In older children ulcers are rare, but dyspepsia presents the same picture as in adults and its resulting gastric catarrh is more common in children, and heart-burn and loss of weight and malnutrition more pronounced. The chief value to children, however, of Stuart's formula, is that it contains vital minerals needed by growing bodies. Important medical authorities have published the following opinions on the actual need in the system of the growing child of these vital minerals: (8) 'They have this advantage over other remedies in children. They are particularly serviceable for diarrhea of children with sour smelling stools and other symptoms of gastric intestinal acidity.' (9) 'The heart and other muscles deprived of calcium in proper form will no longer contract.' (10) 'Entering the blood in small quantities, they promote constructive metamorphosis (growth)'; (11) 'They are useful restoratives and antacids in the diarrhea of strumous (undernourished) children. * * * dyspepsia * * * (12) 'Administered in the ordinary way, they furnish material needed by the organism in its growth.' * * * associated with diarrhea.' * * * In treating gastric diseases in children, who are suffering from malnutrition, loss of weight, and the usual symptoms of dyspepsia (where the carbohydrate foods are restricted, as they must be) an ant-acid-like calcium carbonate compounded as in Stuart's formula, which does not cause alkalosis, is imperative. It is far superior to sodium bicarbonate, or other alkali. * * * Growing Children."

On October 9, and November 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21514. Misbranding of Acme Stock Tone and Acme Poultry Tone. U. S. v. Eleven 6-Pound Packages of Acme Stock Tone, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31010, 31011, 31012. Sample nos. 50047-A, 50048-A, 55552-A, 55553-A.)

Examination of the drug products, Acme Stock Tone and Poultry Tone, disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was further claimed in the labeling of the Poultry Tone that it would aid egg production, whereas it would not.

On August 25, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 packages of Acme Stock Tone and 11 packages of Acme Poultry Tone, in part at Freemansburg, Pa., and in part at Girardville, Pa., alleging that the articles had been shipped in interstate commerce, on or about April 17 and April 21, 1933, by the Acme Stock Salt Co., Inc., from Fostoria, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Acme Stock Tone consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, and smaller proportions of sulphur, quassia, fenugreek seed, and nuxvomica; and that the Acme Poultry Tone consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, and small proportions of sulphur, quassia, and capsicum. Yeast and cod liver oil were not present in either article.

It was alleged in the libel filed against the Poultry Tone that the article was misbranded in that the statement on the label, "For Production of Eggs", was false and misleading. Misbranding was alleged with respect to both products for the reason that the following statements regarding the curative and therapeutic effects of the articles, appearing in the labeling, were false and fraudulent: (Coupon accompanying Stock Tone) "I hereby agree to use Acme Stock Tone according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (box label, portion of Stock Tone) "Acme Stock-Tone corrects

and aids digestion, tones the system, puts the stomach in condition to assimilate the food given; enables the animal to derive more good from what you feed; creates a better appetite; regulates the bowels so that, in a short time a healthy vigorous animal is the result. * * * They will doctor themselves"; (Poultry Tone, box label) "For Sick Fowls;—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

On October 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21515. Adulteration and misbranding of Zinc-O-Cide. U. S. v. 50 Quart Bottles and 2 Half-Gallon Jugs of Zinc-O-Cide. Default decree of condemnation and destruction. (F. & D. no. 31030. Sample no. 40226-A.)

Examination of the drug product Zinc-O-Cide disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Examination further showed that the article was not an antiseptic gargle and mouth wash as represented.

On August 31, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 quart bottles and 2 half-gallon jugs of Zinc-O-Cide at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 19, May 20, June 2, June 8, and August 5, 1933, by Weinberger Drug Stores, Inc., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, small proportions of volatile oils including menthol, clove oil and cassia oil, saccharin, alcohol, and water, colored with a red dye.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * Gargle * * * Mouth Wash."

Misbranding was alleged for the reason that the statements on the label, "Safe and efficient antiseptic * * * Antiseptic, Prophylactic * * * as a sore throat gargle as a mouth wash", were false and misleading. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Recommended * * * as Prophylactic * * * Sore Throat * * * Highly recommended for Pyorrhea * * * To keep the gums firm and healthy."

On October 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21516. Misbranding of Lady Grace Mineral Crystals. U. S. v. 141 Jars of Lady Grace Mineral Crystals. Consent decree of condemnation, with provision for release under bond for relabeling. (F. & D. no. 31058. Sample no. 42863-A.)

Examination of the drug product Lady Grace Mineral Crystals disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was represented to be a natural product; whereas sodium sulphate, the principal ingredient, was present in the article in a degree of purity not obtainable from natural deposits.

On or about September 12, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 jars of Lady Grace Mineral Crystals at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about August 15, 1933, by the Grace Natural Mineral Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of crystallized sodium sulphate with a trace of sodium chloride.

It was alleged in the libel that the article was misbranded in that the statement in the labeling, (cap) "These minerals are a natural product", (jar) "Grace Natural Minerals is a natural product obtained direct from mother earth", and (circular) "Grace Natural Mineral Co. guarantees that the content of the bottle accompanying this circular is a natural product obtained direct from mother earth", were false and misleading; since sodium sulphate of the degree of purity exhibited by analysis of samples of the product is not obtainable, directly, from natural deposits.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle label) "It relieves * * * intestinal congestion. It cleans, tones up and invigorates the system"; (circular) "Reducing Qualities and Directions for Use: Grace Natural Minerals are for the person who has a sincere desire to lose weight and who is willing to put forth a reasonable amount of effort to do so. There is no magic substance that will safely remove fat without effort and patience on the part of the individual. You must give this small amount of effort and patience, and if you do so, Grace Natural Minerals will do the rest. * * * It relieves * * * and eliminates intestinal congestion. It cleanses, tones up and invigorates the system. It is extremely beneficial to the General Health. It will help bring about a natural gradual reduction in weight without harm to the body or impairment of health. If you have a desire to regain the figure that Nature intended you should have, you will find, in these natural minerals, assistance that takes from reducing most of its hardships. A failure to lose weight, when one is actually using Grace Natural Minerals, is usually attributable to a lack of patience on the part of the user. An individual who has been overweight over a long period of time will find that it takes longer to show noticeable results. When starting to reduce, the overweight person generally wants to see results immediately and unless such results appear will discontinue the treatment. If you are one who expects miracles of this kind, stop before you start. To lose weight too fast means the loss of vitality. Grace Natural Minerals, when properly used, will produce surprising results. Grace Natural Minerals, if taken as suggested, and if other suggestions as to diet and exercises are followed, will cause you to feel better and look better within a short period. At the beginning of this treatment some people will actually gain in weight for a short time. Others will lose no great amount of weight, but will lose in measurements. However, the average person will start losing weight promptly and continue until they acquire the weight and figure that nature intended should be theirs. People have been known to lose from two to six inches in the waistline and the same proportionate amount in the rest of the body without losing one pound in actual weight. One must understand the natural processes which must take place first that are of much greater importance than just losing weight. New fat is much easier to get rid of than chronic fat. You cannot lose, within a few days or weeks, fat that you have been years accumulating. You can lose fat much faster than you gained it and keep healthy with the use of Grace Natural Minerals. Nature will work just so fast. A slender figure is worth working for, and in conjunction with Grace Natural Minerals and patience and willingness on your part, you can astonish your friends at the results you will obtain. The fat-building process must first be slowed down and stopped, after which nature can then start disposing of the years of fat and waste accumulation. Overweight is due largely to insufficient outdoor exercise and intemperate eating. You must correct a part of this and give Grace Natural Minerals a fair opportunity to play its part. If you will do your part and use the minerals, you will be agreeably surprised at the results. The relationship of chronic constipation to excess weight has long been recognized by the medical profession. Constipation allows poisons, which are called toxins by the medical profession, to remain in the body too long. These toxins are absorbed by the blood stream, rather than being given off by the intestines as they should have been, and are carried to all parts of the body. All body functions are then depressed, muscle action is slowed, mentality dulled and general activity and the will to be active, are lost. This general sluggishness results in a depressed amount of energy expended. The result is that even a normal food intake for the individual is not utilized in energy production but is stored by the body as useless and unsightly fat. As fat accumulates, the individual is further depressed in his activity, for it is impossible to carry excess weight with the ease which one can carry his

normal weight. The situation is the same as that which would result if one were to carry a heavy burden on his back, day after day, without relief. But, if the load was suddenly lifted, the relief would be immediate. By striking at the base of this fat building, that is, by ridding the body of these harmful and depressing toxins before they have an opportunity to be absorbed, much of the needless overweight can be avoided before its onset, and most of it can be eliminated after it is present. An efficient and harmless method of maintaining normal intestinal action has been discovered in Grace Natural Minerals. Grace Natural Minerals act as a stimulant to restore normal, healthy elimination of waste materials. By removal of these wastes, the whole body is relieved of poisons which have tended to depress its activity. The result is shown in new energy and increased ability to work, as well as an increased desire to work. This alone would cause a weight loss without changing the diet, but with a common-sense modification of the diet as suggested below, success is inevitable.

* * * Foods are made up entirely of sugars, starches, fats, proteins, minerals and water. The water necessary will be taken in naturally during the course of the day. Minerals are present in almost proper amounts in a general diet, and the use of Grace Natural Minerals insures their presence in proper amounts. The fat building portion of food is contained in only two of the remaining elements, sugar and starch (or carbohydrates), and actual fats, such as those in fatty meats. Anyone who is overweight will find, if he reviews his diet, that it has consisted largely of sugars in form of pastries, rich desserts, and sweet foods, and starches in the form of potatoes, bread, etc., and fats, mostly in the form of fatty meats, greasy foods and creams. The answer to the question of what type of diet to use in reducing is then obvious. Since proteins are the only types of food which are not stored as fat, then to prevent fat storage, diet should consist chiefly of protein. Of course, a well balanced diet must contain some fats and sugars, but excessive quantities of same must be eliminated.

* * * When using Grace Natural Minerals you are not penalized by too strict a diet. However, to stuff yourself with fattening foods such as potatoes, pastries, butter and fattening meats, will make it hard if not impossible for you to lose weight. * * * The importance of overcoming chronic constipation in the treatment of rheumatism, arthritis, sick headache, 'muddy' complexion, indigestion, Bright's disease, liver and gall-bladder disorders and continually recurring head colds, is brought out by the fact that physicians invariably combat chronic constipation before they initiate any other form of treatment. It is safe to say that over 90% of cases of this type are relieved by establishing normal elimination. It is also safe to say that overweight, unhealthy fat individuals are many times more susceptible to these ailments than people of normal weight. The toxins allowed by faulty elimination to remain overlong in the body are the cause of these disorders, just as they are the cause of listlessness, tiredness, and resulting overweight. When Grace Natural Minerals are used, these toxins are eliminated. The depressing action of these toxins on the different systems of the body is removed. The digestive system is speeded up. The nervous system is relieved of its congestion, which has caused headaches, neuralgia, and other pains. The skin is enabled to throw off poisons, which have previously appeared as boils, pimples and blackheads. The circulation of the body is speeded up. Muscular aches and rheumatism, chiefly caused by congestion due to toxins, are relieved. General resistance to disease of all types is improved. The result is a new output of energy which enables the individual to use up his excess weight in a profitable manner, at the same time improving his general appearance and health. There is nothing more important in treating disease than removal of chronic constipation. There is nothing that will perform this service more naturally, more easily or more effectively, than Grace Natural Minerals. Directions for taking Grace Natural Minerals. Each morning, fifteen to thirty minutes before breakfast, take one level teaspoonful of Grace Natural Minerals dissolved in a glass of warm water. Repeat this dose before retiring at night. After you have acquired the weight you desire, take the same dose two or three times a week instead of daily. Watch your weight, remembering it is easier to keep your weight normal than to remove surplus weight. Grace Natural Minerals are harmless and are very beneficial in keeping you toned up and in perfect condition, regardless of your weight. * * * For the past number of years I've taken on so much weight that it is impossible for me to look well in any of my clothes, I really was ashamed to go out or to be seen. Five weeks ago I started taking Lady Grace Reducing Minerals and to date I have lost 16 pounds. My

friends tell me I look 10 years younger, my complexion has cleared up and I know that I feel so much better. * * * Lady Grace Reducing Minerals. * * * she made such wonderful progress in reducing weight and gave Lady Grace credit for it so I decided to try it. * * * I ordered my first container * * * to date I have lost a little better than 12 pounds. It has been so easy and pleasant to take and in addition to being all she said regarding reducing it has almost entirely cleared up an extremely bad complexion that I have been bothered with for years."

On October 23, 1933, the Grace Natural Mineral Co., Omaha, Nebr., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be destroyed, unless the claimant file a bond in the sum of \$50, conditioned that it be relabeled in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21517. Misbranding of Gold Bond Sterilseptic Toilet Powder. U. S. v. 185 Cans of Gold Bond Sterilseptic Toilet Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30736. Sample no. 39722-A.)

This case involved a drug product which was represented to be an antiseptic. Bacteriological examination showed that it would be of no value as an antiseptic.

On July 18, 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 cans of Gold Bond Sterilseptic Toilet Powder at Portland, Maine, alleging that the article had been shipped in interstate commerce, on or about May 9, 1933, by the Gold Bond Sterilizing Powder Co., Inc., from New Bedford, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of menthol, borax, methyl salicylate, and thymol, and talc. Bacteriological examination showed that the article was of no value as an antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Can) "Sterilseptic * * * Antiseptic Toilet Powder is distinctly in a class by itself * * * one of the 'World's Standard Antiseptic Toilet Powders' * * * Guaranteed by Gold Bond Sterilizing Powder Co. Under the Food and Drugs Act, June 30, 1906. Serial No. 25132"; (circular) "Sterilseptic * * * promotes * * * sterilizing of the human skin and membranes * * * A scientific triumph * * * it performs the seemingly impossible and renders the skin free from bacteria."

On October 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21518. Misbranding of Key Tasteless Cod Liver Extract Tablets. U. S. v. 24 Packages of Key Tasteless Cod Liver Extract Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31034. Sample no. 45956-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box label and in a circular shipped with the article.

On September 1, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 packages of the said Key Tasteless Cod Liver Extract Tablets at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about June 30, 1933, by the Key Laboratories, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of excipients including starch, sugar, and talc in which was incorporated 8.3 milligrams per tablet of chloroform-soluble material including fatty material and an extract from a bitter drug. The tablets were coated with calcium carbonate and colored with iron oxide,

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Box) "'The Key to Good Health' * * * An old remedy * * * A valuable aid in conditions of mal-nutrition and in weakened conditions due to Colds, La Grippe and other respiratory infections. Valuable in building up resistance in children and adults"; (circular) "An Old Remedy * * * Your Health is largely a matter of resistance in overcoming disease germs and the resulting weakened condition of the system. Years of experience have proved that Cod-Liver Oil is one of the most effective ways in which to build this resistance. Doctors prescribe it freely in all run-down conditions of children as well as grown-ups. If you are suffering from loss of appetite, loss of pep, or, if you are in a weakened condition as a result of a lingering Cough, a cold, deep-seated Bronchial Trouble, La Grippe, Influenza, Pneumonia and similar ailments, then Cod-Liver Oil is the logical treatment. Physicians have found that Cod-Liver Oil is very effective in treating * * * under-nourishment in Children. Even in conditions of normal health, it strengthens the teeth and bone structure. It tones up the whole system, relieves impoverished blood conditions, * * * and increases weight and energy. * * * if taken according to directions should show beneficial results within a few days but best results will be felt in approximately 30 days. It is advisable, however, in faulty conditions of long standing to continue the treatment over a longer period of time * * * follow the treatment persistently. * * * Is the regular doses that count. You will be more than satisfied with the results." (Similar statements in foreign languages.)

On September 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21519. Misbranding of Garvin's Remedies For Chickens and Human Use. U. S. v. 24 Small Bottles and 12 Pint Bottles of Garvin's Remedies for Chickens and Human Use. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31021. Sample no. 45962-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 28, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 small bottles and 12 pint bottles of Garvin's Remedies for Chickens and Human Use at Kenosha, Wis., alleging that the article had been shipped in interstate commerce, on or about January 11, 1933, by the Pest-U-Di Chemical Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid (4.6 grams per 100 milliliters), potassium permanganate (3.6 grams per 100 milliliters), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: "For eczema * * * in the relief of Leucorrhea (Whites) female weakness or discharge * * * dogs, cats, birds, and other pet animals give daily in drinking water as a mild disinfectant * * * indicated in the treatment of the skin and mucous membrane * * * in more severe cases * * * as a preventive give one to three teaspoons full to one gallon of drinking water twice a week * * * bowel complaint * * * in regulating the bowels * * * sore head chicken pox * * * apply full strength night and morning with feather on sores also continue giving in drinking water one to two teaspoons full to one quart water. In diphtheria or canker apply full strength with feather after removing canker with tweezers and continue giving in water one or two teaspoons full or more depending on symptoms to quart water."

On September 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21520. Misbranding of Dr. Eells Vitalizing Blood Purifier. U. S. v. 23 Bottles of Dr. Eells Vitalizing Blood Purifier. Default decree of destruction. (F. & D. no. 30954. Sample no. 42796-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. Analysis also showed that the article contained considerably less alcohol than 15 percent, the amount declared.

On or about August 18, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Dr. Eells Vitalizing Blood Purifier at Kansas City, Mo., alleging that the article had been shipped on or about March 30, 1933, by Dr. F. Eells & Son Co., from Centerville, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium sulphate, sodium chloride, extracts of plant drugs including a laxative drug, sugar, and water, flavored with methyl salicylate and sassafras oil.

It was alleged in the libel that the article was misbranded in that the statement, "Contains fifteen percent of alcohol", on the carton and bottle labels, was false and misleading, since analysis showed that the article contained considerably less than that amount of alcohol. Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the preparation, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle label, and substantially the same statements on the carton, were false and fraudulent: "Vitalizing Blood Purifier * * * recommended by us in the treatment of sick headache * * * skin eruptions, indigestion and disorders arising from unhealthy condition of the stomach, liver and bowel * * * as will produce a natural evacuation from the bowels."

On September 25, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21521. Adulteration and misbranding of Manam Syldex. U. S. v. 100 Packages of Manam Syldex. Default decrees of condemnation and destruction. (F. & D. nos. 30100, 30348. Sample nos. 24986-A, 28838-A.)

Examination of the drug preparation Manam Syldex disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling of the article represented it to be an accessory food containing *Plantago psyllium* and dextrin, whereas it contained no *Plantago psyllium*, no appreciable amount of dextrin, and had no food value.

On April 15 and April 24, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 139 packages of Manam Syldex at Washington, D.C. It was alleged in the libels that 100 packages of the article were being offered for sale at the premises of Albert Leach, of Washington, D.C., that the remaining 39 packages had been shipped in interstate commerce, on or about March 30, 1933, by the Natural Health Products Co., from New York, N.Y., into the District of Columbia, and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of approximately 80 percent of the seed of *Plantago ovata* and approximately 20 percent of brownish particles containing a considerable proportion of ground carob bean, cacao, a reducing sugar such as lactose and but a very small proportion, if any, of dextrin.

The libels charged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it

was sold, namely, (carton) "The gelatinous substance of carefully selected Manam seeds of *Plantago Psyllium* * * * The Dextrine", since it contained no *Plantago psyllium* and no significant proportion of dextrin.

Misbranding was alleged for the reason that the statements on the carton "The gelatinous substance of carefully selected Monam seeds of *Plantago Psyllium* * * * The Dextrine * * * An Accessory Food", were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the carton and in the circular contained in the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Indicated in the treatment of digestive disturbances, bowel irregularities and gastro-intestinal disorders. In such definite symptoms as * * * Diarrhea, Stomach Hyperacidity and other effects traceable to intestinal conditions. * * * Bowel Regulator * * * in severe cases * * * For Obstinate or Chronic Indigestion, * * * etc. * * * Keep up until relieved * * * Indicated in the treatment of digestive disturbances, bowel irregularities and gastro-intestinal disorders. In such definite symptoms as * * * Diarrhea, Stomach Hyperacidity and other effects traceable to intestinal conditions * * * coordinate in destroying putrefication * * * for normal regulation of the bowels * * * recognized for its strengthening normalizing * * * qualities * * * may be used periodically to maintain the active digestive processes in men, women and children * * * Natural Health"; (circular) "Natural Health * * * A natural regulator that restores the normal activity of the bowels * * * Indicated in the treatment of digestive disturbances, bowel irregularities and gastro-intestinal disorders. In such definite symptoms as * * * Diarrhea, Stomach Hyperacidity and other effects traceable to intestinal conditions * * * coordinate in destroying putrefication * * * for normal regulation of the bowels * * * is a natural agent recognized for its strengthening, normalizing * * * qualities * * * to maintain the active digestive processes in men, women and children. " * * * produces highly satisfactory results in cases of Colitis as well as in Chronic Constipation", * * * a bad case of bleeding piles unquestionably caused by chronic constipation has yielded to the treatment of Manam * * * Natural Health * * * in severe cases * * * for Obstinate or Chronic Indigestion * * * etc. * * * Keep up until relieved."

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21522. Misbranding of Savol. U. S. v. 46 Packages of Savol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30546. Sample no. 39995-A.)

Examination of the drug product Savol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 5, 1933, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a bill praying seizure and condemnation of 46 packages of Savol at Wheeling, W.Va., alleging that the article had been shipped in interstate commerce on or about May 5, 1933, by the Savol Chemical Co., from Mercer, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of phenols (including 5.5 percent of carbolic acid), soap, and water. Bacteriological examination showed that the product had a phenol coefficient of 2.5.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton and bottle labels, and in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "A timely application to * * * sores. Minimizes the possibility of infected sores, abscesses, boils, felons and all complications due to infection. * * * Apply full strength Savol to bites of animals * * * or open sores * * * infected part"; (bottle) "Apply this solution to * * * open sores * * * beneficial for nasal catarrh,

hay fever"; (circular) "A vigorous young man opens a pimple on his nose, and is dead in fifty-six hours from blood-poisoning. A healthy woman gets a splinter in her finger, and dies within a week from lockjaw. A robust business man skins his knuckle on a box and succumbs to blood-poisoning in four days. * * * Uses—There is no injury to the skin so slight that it may not result in blood-poisoning. The puncture of a thorn or the scratch of a pin may carry microbes just beneath the scaly layers of the skin, even without drawing blood, that may cause felons, boils, abscesses, carbuncles, erysipelas, and even death; therefore in all cases of abrasions or wounds of the skin or mucous surfaces, such as cuts, bruises, scratches or punctures, no difference how trivial, it is on the side of safety, and can do no harm, to bathe the wound in diluted Savol, * * * If a wound is already inflamed, make an effort to overcome the infection by the constant application of diluted Savol. Keep a hand or a foot immersed in Hot solution until the swelling is reduced and the pain ceases. If taken just as soon as it begins to pain and throb, a felon can often be broken up by thus soaking the affected part for several hours. But if the infection is already too deep for Savol to reach it, and pus forms, lose no time in having a doctor open and drain it, after which, renew hot pads wet with diluted Savol. This answers every purpose of a poultice and, also, limits and destroys germ infection, whereas, a poultice promotes and spreads it. * * * apply full strength Savol to the bottom of puncture made by dirty nails, splinters etc., and dog bites. Open inflamed pimples and apply Savol to them, and to open festering sores, in the same strength and manner. * * * Gangrene of the toes, so common in elderly people is frequently cured by the constant application of gauze wet in hot diluted Savol. Keep the foot firm and don't stand, or put any weight on it, until cured. * * * As a * * * healing agent for leucorrhoea, douche with a quart of Hot diluted Savol twice a day. The proper application of diluted Savol in confinement or maternity cases prevents blood-poisoning * * * One-half teaspoonful of Savol and a level teaspoonful each of salt and soda in a quart of warm water makes a good douche for the nasal passages, in catarrh and hay fever. It can be used, also, * * * as a gargle for sore throat. * * * If the nose and throat are carefully doused every hour, in acute diseases affecting them, it will afford great comfort and greatly lessen the danger of secondary infection, of the nature of blood-poisoning, which so often follows and complicates diphtheria and scarlet fever. * * * It can be fed to diseased Poultry with gratifying results."

On October 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21523. Misbranding of Penslar Sore Throat Gargle and Penslar Children's Cough Syrup. U. S. v. 48 Large Packages of Penslar Sore Throat Gargle, et al. Default decrees of condemnation and destruction. (F. & D. nos. 30858, 30859. Sample nos. 30370-A. 30371-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 7, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 72 large and small packages of Penslar Sore Throat Gargle, and 60 large and small packages of Penslar Children's Cough Syrup at Washington, D.C., alleging that the articles were in possession of the Peoples Drug Stores, Washington, D.C., and were being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Penslar Sore Throat Gargle consisted essentially of potassium chlorate, ferric chloride, glycerin, alcohol, and water; and that the Penslar Children's Cough Syrup consisted essentially of extracts of plant drugs, including ipecac, flavoring materials, alcohol, sugar, and water.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Penslar Sore Throat Gargle, carton) "Sore Throat * * * For Inflamed Sore Throat,

Hoarseness, Tonsillitis and other Irritation of the Mouth and Throat. * * * Sore Throat [similar statements in foreign languages]" (bottle) "Sore Throat"; (circular) "Sore Throat * * * Employed for relief of irritation of the mucous membrane of the throat and larynx, usually characterized as 'Sore Throat.' * * * Sore Throat"; (Penslar Children's Cough Syrup, carton) "Cough Syrup * * * A Reliable Remedy For Coughs * * * Bronchitis, Hoarseness and other Symptoms of Bronchial or Laryngeal irritation * * * Cough Syrup [similar statements in foreign languages]"; (bottle) "Cough Syrup * * * A reliable remedy for Coughs * * * Bronchitis, Hoarseness, and other symptoms of Bronchial or Laryngeal irritation."

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21524. Misbranding of Iodostarine Tablets. U. S. v. 25 Packages of Iodostarine Tablets. Default decree of destruction. (F. & D. no. 30676. Sample no. 36190-A.)

This case involved a drug product which contained materially more iodine than declared on the label.

On June 28, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 packages of Iodostarine Tablets at Ogden, Utah, alleging that the article had been shipped in interstate commerce, in various consignments, on or about September 4, 1931, November 14, 1932, and April 18, 1933, by Hoffman-LaRoche, Inc., from Nutley, N.J., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained 8.6 milligrams of iodine each.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Each tablet equivalent to five milligrams Iodine", was false and misleading, since the iodine content of the tablets was materially in excess of 5 milligrams each.

On October 19, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21525. Misbranding of Dr. Ingraham's Macedonian Oil. U. S. v. 29 Bottles of Dr. Ingraham's Macedonian Oil. Default decree of destruction. (F. & D. no. 30668. Sample no. 36185-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 28, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bottles of Dr. Ingraham's Macedonian Oil at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about December 29, 1932, by the Gerlach Medicine Co., from Wooster, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a nonvolatile oil with 2 percent of volatile oils including eucalyptol, menthol, camphor, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Remedy for Rheumatism, Catarrh, Stiff Joints, Diphtheria, Sore Throat, Cholera Morbus, or Cramping * * * and Nervous Affections Generally. Liver and Kidney Complaints * * * Wounds, Earache, Toothache, * * * Piles, or Affections of the Spine, &c., &c * * * Its adaptation to a wide range of diseases"; (bottle label) "Remedy For Rheumatism, Catarrh, Stiff Joints, Diphtheria, Sore Throat, Cholera Morbus or Cramping, * * * and Nervous Affections generally. Liver and Kidney Complaints, * * * Wounds, Earache, Toothache * * * Piles or Affections of the Spine, etc."; (circular) "Bronchial Affections, Asthma, and Laryngitis Bathe the Throat, down as

far as the Lungs, morning and night, and take one teaspoonful of the oil internally, three times a day. Nervous or Inflammatory Diseases The oil should be taken internally three times a day, and if pain exists in any part of the body, apply the oil freely with the hand, for five or ten minutes, morning and night. Paralysis, Falling Fits, Etc. The Oil should be given six times a day; and while the patient is cramping apply the Oil freely with the hand until the patient comes to. Acute Rheumatism Bathe the parts affected for five minutes, until relieved. Chronic Rheumatism Bathe the parts affected morning and night, and take thirty drops on a little sugar, half an hour before each meal. Catarrh In The Head Or Throat Take one teaspoonful night and morning. If in the head, snuff the odor from the bottle and bathe the center of the forehead above the nose. If in the throat, inhale in the same way. Wet a piece of cotton and insert in the nostril. (The mucous membrane of the air passages closing up by cold or other like causes, produce Catarrh.) Deafness, Roaring In The Head, Earache, Etc. Warm four drops of the Oil, and drop into each ear on going to bed. In case of Deafness, continue the use of the Oil. Hundreds have received permanent benefit from its use. * * * (same as acute Rheumatism), Sick Headache Take one teaspoonful internally, and use the Oil externally, (bathing for five minutes. Piles For inward Piles, the patient must procure a syringe and inject the oil once a day, and take one teaspoonful of the Oil night and morning. External Piles can be treated externally with success. * * * Wound Apply the Oil freely two or three times, and the soreness will disappear. For an old strain, this medicine has no equal. Rub the Oil on the part afflicted for fully ten minutes at a time, morning and night. Liver & Kidney Affections Take one teaspoonful of the Oil six or eight times a day, according to the emergency of the case. * * * Frosted Feet * * * Frosted Feet, bathe the parts affected on going to bed. Sore Throat Bathe the throat with the oil often, and at the same time take a teaspoonful of the oil internally. Diphtheria If the throat is blistered, apply the Oil externally, and procure one-fourth ounce chlorate potash, add two ounces water, and use it as a gargle. No case of Diphtheria can withstand it. There are many other cases, similar to the above, in which the Oil can be used with success. Whooping-Cough, Croup, and like diseases are cured by the Macedonian Oil quicker than by anything else in existence. The above directions are for grown-up persons; and parents are requested to use their judgment in giving the Oil to children. Five drops is a dose for a child one year old; to older children increase the dose accordingly. The medicine is perfectly safe and reliable. [Similar statements in a foreign language]."

On October 19, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21526. Misbranding of Rinex. U. S. v. 37 Bottles and 142 Bottles of Rinex.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 30982. Sample no. 40856-A.)

Examination of the drug preparation Rinex disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it was harmless and would produce no ill effects or bad after-effects, whereas it contained drugs which might be harmful. The article also contained acetphenetidin, a derivative of acetanilid, which was not properly declared on the labels.

On August 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 179 bottles of Rinex at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 21, 1933, by the Rinex Laboratories Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of capsules and tablets. Each capsule contained acetphenetidin, a derivative of acetanilid (1 grain), acetylsalicylic acid (2.3 grains), quinine (0.17 grain), camphor, and an extract of a laxative plant drug. Each tablet contained approximately 4 grains of sodium bicarbonate and starch.

It was alleged in the libel that the article was misbranded in that the statements appearing in the circular accompanying the article, "The Rinex prescrip-

tion is harmless and may be taken as long as necessary or repeated at intervals without ill effects", and "Leaves no bad after-effects", were false and misleading, since the article contained acetphenetidin and aspirin, which might cause harm if taken in overdosage. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of an acetanilid derivative (acetphenetidin) contained in the article, since the declaration on the bottle label and retail carton was not accompanied by a statement to the effect, that acetphenetidin is a derivative of acetanilid, and the declaration on the carton was inconspicuous. Misbranding was alleged for the further reason that the bottle and carton labels and the circular contained statements regarding the effectiveness of the article in the treatment of hay fever, asthma, and catarrh in patients of all ages, head colds, and rose fever, which were false and fraudulent.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21527. Misbranding of Electrovida Mineralized Water. U. S. v. Thirty-two 1-Gallon Bottles of Electrovida Mineralized Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30925. Sample no. 40762-A.)

Examination of the drug product Electrovida Mineralized Water disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty-two 1-gallon bottles of Electrovida Mineralized Water at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about July 31, 1933, by the Electrovida Co., Inc., from Norwalk, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of diluted lime water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and chart, were false and fraudulent: (Bottle) "Electrovida * * * intended to combat harmful acids and assist nature in the elimination of waste matter. * * * Directions Adults: One quart per day divided into four equal parts (an eight ounce glassful) preferably in the following order: Twenty to thirty minutes before each meal and upon retiring. You cannot drink too much Electrovida but the quart per day has been found to be the desired amount. Children: According to Age. Chart will be mailed upon request"; (chart) "Instructions for Drinking Electrovida Four glassfuls of Electrovida per day has become our slogan and it is not often necessary to deviate from taking this amount excepting in cases of severe heart conditions, extremely severe kidney disorders (such as dropsy) and when being taken by children. Our physician has prepared the following table for general use: The quantities listed below should be taken one half hour before meals and before retiring. From one to three months, two teaspoonfuls added to milk four times daily. Six to twelve months, four teaspoonfuls added to milk, four times daily. One to three years, three ounces added to milk, three times daily. Five to seven years, three ounces added to milk, four times daily. Seven to nine years, four ounces four times daily. Nine to twelve years, five ounces four times daily. Twelve to fourteen years, six ounces four times daily. From fourteen on, the regular quantity of eight ounces, four times daily. These portions are recommended in practically all conditions, except severe heart disorders, and then the portions should be reduced to four ounces eight times daily. In extremely severe heart conditions it is possibly best to start with four half glasses per day, gradually building up to eight half glasses. In severe kidney disorders where there is a tendency toward dropsy, the water should be given at the rate of sixteen ounces daily, divided in four portions, until such a time as the kidneys are functioning—when the quantity taken can be gradually built up to where they are taking the full portions. The question has been frequently brought up, Should anyone discontinue Electrovida while experiencing a reaction. This reaction, as explained by our Dr. Mertens, is an exaggeration of symptoms, and is the usual experience when

the abnormal functioning of the various organs of the body are returning to a normal functioning, and to decrease or discontinue Electrovita at such a time would just mean a prolonged reaction when starting again. The Doctor advises that Electrovita should be continued, unless there is as above stated, a heart reaction or a kidney reaction."

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21528. Misbranding of Dr. Cox's Liniment. U. S. v. 34 Bottles and 10 Bottles of Dr. Cox's Liniment. Default decree of destruction. (F. & D. no. 31054. Samples nos. 42824-A, 42853-A, 42854-A.)

Examination of the drug preparation Dr. Cox's Liniment disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels, and in a circular shipped with the article.

On September 7, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 bottles of Dr. Cox's Liniment at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about June 7 and July 31, 1933, by the Hoover Liniment Co., from Carlisle, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of turpentine oil, an iodine compound, linseed oil, a petroleum product, and phenol.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "For * * * Nail Wound, Etc."; (carton) "A Household Remedy. Especially made for treating * * * Nail Wounds, Inflammation in Corns and Bunions, * * * Nail Wounds * * * on Stock. It is especially made for treating * * * as a Household Remedy for treating * * * Nail Wounds and inflammation in Corns and Bunions. * * * Relieve the pain, sterilize the wound and then gives nature a free reign to heal the wound without blemish or burning"; (circular) "Grease heel. * * * inflammation in corns and bunions. It will aid in preventing blood poisoning in wounds, in the relief of pain and soreness, and in reducing the inflammation. * * * Grease Heel. Nail Wounds. In wounds caused by nail or other pointed instruments, * * * For nail wounds in horse's foot: First, with a small knife blade, bore a hole to bottom of wound, then fill this hole with Liniment and cork it in with clean cotton or clean cotton cloth. Use the Liniment two or three times daily, keeping the horse in a clean, dry place. If Used in Time, It Aids in Removing Soreness, and in Preventing Blood Poisoning and Lockjaw. If the wound is not too deep, the Liniment will restore the hair to natural color. Directions for Household Use. Fresh Wounds. * * * Pain, Soreness, Bites * * * Etc. * * * It will aid in preventing blood poisoning, in the relief of pain and soreness, and in reducing the inflammation. Inflammation in Corns and Bunions. Certain Sores. If the sore is on the leg, * * * Nail Wounds. Under all circumstances keep the wound well opened, lancing it if necessary, and inject the Liniment to the bottom of the wound. Bathe the surface well with Liniment and hold the wound to the fire, or, better, over a lighted lamp, with as much heat as patient can endure."

On October 14, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its destruction by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21529. Misbranding of Ergot-Apiol A. P. C. U. S. v. 96 Tins and 24 Tins of Ergot-Apiol A. P. C. Consent decrees of condemnation and forfeiture. Product ordered destroyed. (F. & D. nos. 30536, 30874. Sample nos. 32128-A, 42979-A.)

Examination of the drug product involved in these cases disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 2 and August 8, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture,

filed in the district court libels praying seizure and condemnation of 96 tins of Ergot-Apiol A.P.C. at Scranton, Pa., and 24 tins of the product at Wilkes-Barre, Pa., alleging that the former had been shipped in interstate commerce, on or about April 4 and April 5, 1933, by the American Pharmaceutical Co., Inc., from New York, N.Y., to Scranton, Pa., and that the latter had been shipped on or about June 19, 1933, by the said American Pharmaceutical Co., Inc., through the Biddle Purchasing Agency, from New York, N.Y., to Wilkes-Barre, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants including a nonvolatile oil such as apiol, a volatile oil such as savin oil, and a small proportion of ergot alkaloids.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Display carton accompanying portion) "For Amenorrhea, Dysmenorrhea and Menstrual Disorders"; (tin container, all lots) "In the treatment of amenorrhea, dysmenorrhea and menstrual disorders"; (circular accompanying all lots) "For Amenorrhea, Dysmenorrhea and Menstrual Disorders * * * For the Treatment of Menstrual Disorders Relieves Pain * * * for use in the treatment of Menstrual disorders * * * Ergot-Apiol A.P.C. is of value, and in general is indicated, in the conditions described below. * * * Amenorrhea—When menstrual flow is absent or scanty as a result of shock, exposure, or nervous strain, 1 capsule should be given 3 times a day for 3 days, then increased to 2 capsules 3 times a day until flow has been established, when it is reduced to one capsule twice a day. Dysmenorrhea—In cases where the complaint is chronic Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule 4 times a day is sufficient, but when pain is unusually severe 2 capsules may be given 4 times a day. Menorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered 4 times a day. Menostasis—to re-establish the flow 2 tablets may be administered 3 or 4 times a day, in conjunction with frequent sitz baths if preferred. Menopause—Ergot-Apiol will be found an aid in easing the disturbances attending final cessation of the menstrual functions. One capsule two or three times a day is advised."

On October 11, 1933, the American Pharmaceutical Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered with a provision that the product might be released under bond conditioned that it be correctly labeled. On February 2, 1934, the claimant having filed bonds but having failed to comply with the provisions of the decrees, the court ordered that the product be destroyed by the United States marshal, and that judgments be entered on the bonds for costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21530. Misbranding of Carpathian Herb Tea. U. S. v. Mrs. Satie Kaidasz (Polonia Medicine Co.). Plea of guilty. Fine, \$50. (F. & D. no. 28083. I.S. nos. 30533, 39400.)

Examination of the drug preparation, Carpathian Herb Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the packages and in the circulars shipped with the article.

On May 26, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Satie Kaidasz, trading as the Polonia Medicine Co., Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 4, 1931, from the State of Pennsylvania into the State of Massachusetts, and on or about January 7, 1932, from the State of Pennsylvania into the State of New York, of quantities of Carpathian Herb Tea which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of senna leaves, juniper berries, chamomile flowers, fennel seed, pennyroyal herb, and sweet orange peel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, appearing on the package label,

falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for dizziness, indigestion, skin eruptions, and female complaints; for the further reason that certain statements in English and Polish contained in circulars accompanying a portion of the article falsely and fraudulently represented that it was effective as a valuable system purifier; effective to promote a regular action of the stomach, liver, and kidneys; effective as a reliable treatment for that run down and tired feeling and where organs fail to function and cause various sicknesses; effective as a treatment, remedy, and cure for disorders of the stomach, liver, kidneys, and bladder, loss of appetite, dizziness, coughs, indigestion, pale complexion, and sleeplessness; effective as a valuable treatment for weakness, pain in the limbs, rheumatism, gout, impure blood, skin diseases and female complaints, chills, coughs, hoarseness, influenza, phlegm and headache; effective as a blood purifier and liver regulator; effective as a remedy for kidney trouble, skin diseases, boils and pimples; effective to restore a clear and healthy complexion to the skin; effective as a remedy for female complaints, imperfect or irregular menstruation; effective as a blood cleanser and regulator of stomach, liver and kidneys; effective as a remedy for lung troubles, stomach troubles, kidney and liver troubles, weakness, cold in joints, unhealthy blood, skin diseases, painful urination and stoppage of perspiration, fever, rheumatism, sore throat, skin eruptions, boils, toothache, earache, swelling of the joints, and cold in kidneys; and for the further reason that certain statements, in English and Polish, contained in circulars accompanying the remainder falsely and fraudulently represented that the article was effective as a valuable system purifier; effective to promote the regular action of the stomach; effective as a treatment for that rundown and tired feeling; effective to promote the regular functioning of the organs, the movement of the bowels, and the free passing of urine; effective to cause natural perspiration; effective to avoid various sicknesses by aiding the internal organs to perform their functions; effective as a treatment, remedy, and cure for chills; effective as a stomach regulator; effective as a treatment, remedy, and cure for constipation, organic difficulties, painful urination, stoppage of perspiration, fever, rheumatism, sore throat, cough, skin eruptions, boils, toothache, earache, headache, neuralgia, swelling of the joints, indigestion and stomach disorders; and effective as a treatment for unclean internal passages.

On September 26, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21531. Misbranding of Acme Medicated Stock Salt. U. S. v. Fifty 200-Pound Bags, et al., of Acme Medicated Stock Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30956. I. S. no. 17579. S. no. 8386.)

This case involved a drug product labeled to convey the impression that it consisted entirely of drugs, that it was iodized and yeastolized, and that it contained, among other listed ingredients, potassium iodide and yeast. Samples, when analyzed, were found to consist principally of common salt, no yeast nor potassium iodide being found.

On August 18, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fifty 200-pound bags, fifty 50-pound bags, fifty 25-pound bags, and fifty 15-pound bags of Acme Medicated Stock Salt at Nara Visa, N.Mex., alleging that the article had been shipped in interstate commerce, on or about November 14, 1931, by the Acme Stock Salt Co., from Tiffin, Ohio, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (97 percent), calcium carbonate (1 percent), and small proportions of sodium bicarbonate, sulphur, copperas, and nux vomica. Potassium iodide and yeast were not present.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, (bag) "Its Iodized and Yeastolized", and (tag) "Potassium Iodide, Epsom Salts, Quassia, Nux Vomica One Half Percent, Bicarbonate of Soda, Sodium Chloride Seventy-two percent and Sulphur Two Percent, * * * Contains Drugs One Hundred Percent", were false and misleading, since the product was not iodized nor yeastolized, and did not have the composition stated on the tag.

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21532. Misbranding of French's White Pine and Cherry Compound Cough Syrup. U. S. v. 70 Bottles of French's White Pine and Cherry Compound Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 30773. Sample no. 42174-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the impression that it was composed of roots, barks, and herbs, whereas an inorganic drug, ammonium chloride, was an important ingredient.

On or about August 8, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottles of French's White Pine and Cherry Compound Cough Syrup at Miles City, Mont., alleging that the article had been shipped in interstate commerce, on or about March 15, 1932, by the Atlantic Sales Corporation, from Rochester, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including wild cherry and ipecac, ammonium chloride, menthol, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements in the labeling, "French's White Pine and Cherry Compound Cough Syrup * * * A cough Syrup made from roots, barks and herbs * * * is prepared from barks and other vegetable drugs", were misleading in view of the actual composition of the product, which included ammonium chloride as an ingredient. Misbranding was alleged for the further reason that the following statements on the cartons and bottles, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Recommended for Coughs, Hoarseness * * * Bronchial colds, Bronchitis, and Inflammation of the air passages * * * for coughs, hoarseness"; (bottle) "For Coughs, Bronchial Colds, Bronchitis, Croup and Hoarseness * * * Dose for Grown Persons * * * in severe cases * * * In Croup * * * in severe cases."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21533. Misbranding of Rogers' Headache Soda. U. S. v. 120 Packages of Rogers' Headache Soda. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30955. Sample no. 49469-A.)

This case involved a drug product labeled to convey the impression that soda was the important therapeutic agent. Analysis showed that the article contained acetanilid and caffeine, to which could be ascribed its therapeutic action. The label of the article bore an incorrect declaration of the acetanilid, also unwarranted curative and therapeutic claims.

On August 19, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 packages of Rogers' Headache Soda at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 23, 1933, by the Rogers Drug Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of acetanilid (226 grains per ounce, 3.3 grains per average powder), caffeine, and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the name of the article, "Headache Soda", was false and misleading, since soda did not represent the active ingredient upon which its physiological effect would depend. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, since the declaration on the carton and on the envelop was incorrect. Misbranding was alleged for the further reason that

the following statements regarding its curative or therapeutic effects were false and fraudulent: "Relieves sick Headache, and generally prevents it if taken when first symptoms are noticed. Especially recommended for all aches and pains peculiar to women. * * * You will get most satisfactory results when taken for Flu, Grippe * * * We recommend Rogers' Headache Soda for loss of sleep or an overworked brain, and believe you will feel refreshed and find your brain to be clear and active. It makes no difference what causes the pain, take a dose of Rogers' Headache soda and you are very likely to get relief. * * * Directions—For * * * Neuritis * * * Etc. * * * For * * * Flu, Grippe, Etc. * * * Directions—For Nervousness, Sleeplessness, Etc. * * * For Nervousness."

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21534. Misbranding of Aromist. U. S. v. 14 Dozen Packages of Aromist, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30349. Sample nos. 33626-A, 35525-A.)

Examination of the drug preparation Aromist disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 26, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 dozen packages of Aromist with atomizer, and 14 dozen packages of Aromist without atomizer, alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by T. J. Holmes Co., Inc., from Chartley, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (approximately 13 percent) including lavender oil, cardamon oil, menthol, camphor, and eucalyptol; alcohol, and small proportions of glycerin and water..

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label and carton) "For * * * sore throat, * * * Excellent for * * * skin infections"; (white circular) "Prophylactic, * * * prophylactic * * * may prevent serious sickness. A few sprays to the nose and throat on arising and at bedtime act as an aid to nature in combating disease germs. * * * value * * * is soon noted in cases of sore throat and influenza. * * * recommended for skin infections. * * * invigorates"; (display carton) "A powerful aid in combatting * * * Sore throat—Influenza."

On November 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21535. Adulteration and misbranding of Consolidated Stock and Poultry Compounds. U. S. v. Fourteen 3-Pound Packages of Consolidated Stock Compound, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30744. Sample nos. 37430-A, 37431-A.)

This case involved products sold as stock and poultry conditioners and represented to contain yeast and cod-liver oil. Examination showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. No yeast nor cod liver oil were in the samples of the products analyzed.

On July 24, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Consolidated Stock Compound and 18 packages of Consolidated Poultry Compound at Turner, Oreg., alleging that the articles had been shipped on or about February 7, 1933, from Hutchinson, Kans., in the name of the consignee, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Consolidated Stock Compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and

fenugreek seed, and a trace of nux vomica; and that the Consolidated Poultry Compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, and small proportions of sulphur, quassia, and capsicum. Yeast and cod-liver oil were not present in either article.

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, as follows: (Stock Compound, leaflet) "Consolidated Stock Compound contains the following ingredients: * * * Yeast, Cod Liver Oil"; (Poultry Compound, leaflet) "Consolidated Poultry Compound contains the following ingredients and no other: Dry Yeast, Cod Liver Oil * * *"

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Stock Compound, leaflet) "Consolidated Stock Compound contains the following ingredients: * * * Yeast, Cod Liver Oil * * * Larger Savings to the Farmer and Feeder * * * Successful Dairying All Dairymen know that success or failure very largely depends upon a balanced ration containing the essential vitamins: Yeast and Cod Liver Oil combined with the necessary minerals in order to make it profitable both in growth and production. * * * Consolidated Stock Compound usually shows a very large percent of profit as it assists in promoting growth and earlier development. * * * When mixing 3 lbs. of Consolidated Stock Compound with 100 lbs. of ordinary salt makes an exceptional balanced ration for sheep without forcing the animal. It assists in increasing the appetite and promoting digestion thus causing a rapid growth"; (Poultry Compound, carton) "For Production of Eggs"; (leaflet) "Consolidated Poultry Compound is a highly concentrated product making a well balanced combination of essential vitamins and minerals and is especially designed to provide the elements which are not present in the grain ration for growth and development. * * * Economy and Production Consolidated Poultry Compound contains the following ingredients and no other: Dry Yeast, Cod Liver Oil * * * as it supplies the elements necessary to build the body of the fowl for continued pen production." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent: (Stock Compound, leaflet) "Healthy Livestock Pays a Handsome Profit While Unthrifty Animals Usually Show a Severe Loss. Consolidated Stock Compound stimulates the appetite, promotes digestion, and prevents many of the common ailments to which the overworked cow is subject. Consolidated Stock Compound * * * Naturally the most common diseases among hogs are materially reduced. The most common diseases among sheep are due to improper care and treatment, improper or insufficient food and may result from ranging on wet or damp soil, causing derangement of the stomach, liver or bowels. The horse * * * should never be allowed to become unthrifty. Consolidated Stock Compound is a scientific product, highly recommended as an appetizer which naturally causes a smooth glossy coat, good spirit and staying qualities. It is very beneficial (sic) in growing and fattening livestock by increasing the appetite, promoting the digestion * * *"; (coupon) "I hereby agree to use Consolidated Stock Compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (veterinary surgeon service certificate) "This is to certify, That the Consolidated Salt Co., Inc., of Tiffin, Ohio, on the basis of a signed statement, issued under date of _____, 193__ to _____ of _____ State, _____ showing purchase by him of _____ pounds Consolidated Stock Compound, does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease, _____ horses, _____ sheep, _____ cows and _____ hogs, provided he has used this product continuously and fed according to directions which appear on the package, viz: one-half pound per week to each horse and cow, and one-fourth pound per week to each hog and sheep and lesser amounts for young animals, for a period of 30 days from date hereof, and we will continue this guarantee on any animals so fed"; (Poultry Compound, carton) "For Sick Fowls: Separate (sic) the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21536. Misbranding of Autotoxine. U. S. v. 10 Packages of Autotoxine. Default decree of destruction. (F. & D. no. 31196. Sample no. 42795-A.)

Examination of the drug preparation Autotoxine disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 4, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 packages of Autotoxine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 21, 1933, by the Autotoxine Co., from Ottawa, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a solution of Epsom salt in water, sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Autotoxine * * * 'The medicine that keeps you well.' To cleanse out the system thoroughly take 1 to 4 tablespoonfuls in a glass of water at bedtime. To cure constipation use a medium dose each night. For 'flu' take one teaspoonful every hour until relieved. For rheumatism take a medium dose each morning. For headache, souring stomach, neuralgia, neuritis, painful urination and high blood-pressure, use Autotoxine freely in large drinks of water. Autotoxine * * * 'The medicine that keeps you well'", (carton) "Autotoxine * * * 'The medicine that keeps you well' Autotoxine * * * Tonic To Worn, Tired Muscles and Nerves Relief for Headache and Pains of Neuritis, Neuralgia and Rheumatism Aids Digestion, Prevents Gas and Sour Belching Cleanses The Kidneys, Aids The Heart And Helps To Control High Blood Pressure Autotoxine Autotoxine * * * 'The medicine that keeps you well' Directions * * * Autotoxine * * * For * * * chronic constipation, and all diseases that are the result of this common irregularity * * * until all foul offensive odor is absent from the discharges and a normal bowel habit has been established. * * * For Rheumatism: Caused by focal infection of teeth, tonsils or other disease focii in the body, is permanently relieved by Autotoxine! Clean up the teeth. Save every tooth that is possible. Keep the tonsils. Do not remove them. Nature put them there for a definite purpose. Cleanse up the system with a course of Autotoxine; and for rheumatism take one tablespoonful three times a day until the whole body has been renovated and the rheumatism is gone. * * * Autotoxine for dysentery, diarrhoea and bloody flux: One teaspoonful every hour until cramping, biting and tenesmus is gone and the bowels have come to a natural condition. * * * Autotoxine for acne, pimples and unsightly eruptions: One tablespoonful each night for three months will smooth up the skin and completely relieve this painful unsightly embarrassing manifestation of autointoxication. Autotoxine Autotoxine * * * Autotoxine Autotoxine * * * 'The medicine that keeps you well'."

On November 13, 1933, no claimant having appeared for the product, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21537. Misbranding of Sleepy Salts. U. S. v. 143 Packages, et al., of Sleepy Salts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31255. Sample nos. 43945-A, 43946-A, 43947-A.)

Examination of the drug preparation Sleepy Salts disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 19, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and forty-three 75-cent-size, one hundred and forty-three \$1-size, and thirty-five \$1.50-size packages of Sleepy Salts at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Sleepy Water

Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample by this Department showed that the article consisted essentially of sodium sulphate and magnesium sulphate, with a small proportion of sodium chloride.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the white circular shipped with all sizes and the poster shipped with the \$1 and \$1.50 sizes, were false and fraudulent: (Poster, \$1.00 and \$1.50 sizes only) "Reduce Safely With Sleepy Salts * * * Now! Home Made Mineral Water Will Curb * * * Rheumatism, Neuritis, Arthritis & Kidney Distress", (white circular all sizes) "For a Reduction of Overweight Sleepy Salts is a safe, sound * * * treatment. The twentieth century demands of every person, clearness of mind and a swift and graceful body. If you have these, you keep on looking youthful no matter how fast the years roll on. We all know today, thanks to modern medical science, that overweight is a robber of youth, a scourge to health,—and without both youth and health, every person would be severely robbed of many of life's greatest pleasures. * * * obesity (overweight). When this condition becomes extremely aggravated, it often brings on various types of diseases * * * it often cuts down the length of life of the ailing person. It is evident, naturally, that this refers not to an accumulation of fat beneath the skin, but to the extreme cases of the kind where there is a fatty penetration into muscular tissues and where different important organs are surrounded by a coating of fat which makes it more difficult for them to act. Almost every modern and intelligent man and woman knows or is aware of these facts. They fear being overweight. And unfortunately, great harm has come to many people who adopt drastic dangerous means of self medication in their efforts towards personal improvement. Sleepy Salts is not a treatment of starvation. Instead it is still possible to eat as much of the right food as you want and need, to satisfy yourself. Never go hungry. But it is of course logical to confine oneself to foods that turn into energy and strength and to avoid foods that turn into fat. Sleepy Salts offer tremendous assistance to the problem of overweight when not due to organic disease. Organic disease of such kind does not often occur, and in those few cases, the symptoms are usually noticeable that the proper and suitable medical assistant that the condition calls for is usually promptly had. Sleepy Salts is a very beneficial product which when taken with reasonable feeding recommendations, is of definite and specific benefit in the reduction of excess fat, when that fattening condition is not due to any disease of the body; and in that regard Sleepy Salts may be used safely by everyone without the slightest fear of any harm to the system. For men and women who are disagreeably overweight and who wish to fight the tendency of their bodies towards excess fat, in order to be more physically able as well as attractive, Sleepy Salts is definitely recommended. * * * in the treatment of excess fat and Rheumatic, gouty and nervous disorders. As a matter of fact, from the viewpoint of the medical treatment, Sleepy Salts is directed towards the same objective that people have in drinking the waters of these famous health resorts. * * * aided Digestion * * * quieted their nerves and let them sleep sound and rest well. * * * help the sick, the weak and the ailing. * * * if a person is trying to lower the amount of excess flesh, and if the work of Sleepy Salts is constantly being made more difficult by absolutely unlimited and uncontrolled eating of wrong foods, this could easily counteract such progress as was being obtained by the medical treatment. Losing Fat Quickly * * * When a decided thorough cleansing is desired * * * It is easy to take Sleepy Salts on a weak stomach. * * * use Sleepy Salts, a little in a glass of water every morning before breakfast, to keep your system free from waste matter, toxine and depleting poisons", (yellow leaflet) "Many world famous mineral waters act not only upon the upper and lower bowel but also for the kidneys. To make a mineral water for the kidneys, cut the usual dose in half and use only ¼ teaspoonful Sleepy Salts in a glass of water. * * * for a thorough cleansing. * * * Take Sleepy Salts daily. It is that regular morning glass full of Sleepy Salts water that may lead to a longer, more healthful life. Don't expect too fast results. * * * Sleepy Salts every day for best results. * * * To all Who Want to Regain Or

Retain Health The Simple Easy Sleepy Salts Water Way * * * make up a quart of this health water."

On November 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21538. Misbranding of A-R-T Tablets. U. S. v. 69 Packages of A-R-T Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30566. Sample no. 37410-A.)

This case involved an interstate shipment of a drug preparation known as A-R-T Tablets, which consisted of a mixture of blue and white tablets. Examination showed that the white tablets contained materially more acetanilid than was declared on the label. Accompanying the shipments was a circular which contained curative and therapeutic claims for the product that were not justified by its composition.

On June 9, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 packages of A-R-T Tablets at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 1, 1933, by the Hart M. Allen Laboratories, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the product by this Department showed that the article consisted of white and blue tablets, the blue tablets containing 7.4 grains of acetylsalicylic acid and the white tablets containing 5 grains of acetanilid each, with caffeine and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Each White Tablet contains approximately 3½ gr. Acetanilid, U.S.P.", was false and misleading, since the amount of acetanilid present in the article was considerably more than 3½ grains. Misbranding was alleged for the further reason that the following statements appearing in the circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: "Allen's Rheumatic Treatment * * * Allen's Rheumatic Treatment is offered to the public as a remedy that has no superior in the treatment of Rheumatism in all its forms, including Sciatic, Muscular, Inflammatory, and Articular, * * * a remedy for the quick relief of Lumbago, Gout, Neuritis, * * * It is remarkably effective in Neuritis. * * * hundreds of sufferers * * * have testified that for quick and effective results Allen's Rheumatic Treatment * * * Allen's Rheumatic Treatment not only gives quick relief from pains and aches, But it is intended to give complete relief—to break up the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * * Hundreds of unsolicited testimonials written to us by those who have taken this remedy are positive evidence that Allen's Rheumatic Treatment has given complete cures in the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * * Directions For Taking. A dose consists of two tablets—one of each color. Simply drop one blue and one white tablet onto the tongue and swallow with a drink of water or other liquid. For very prompt relief it is advisable to crush the tablets and swallow them with a little water. Take four doses per day for the first two or three days, in order to get the treatment thoroughly into the system at once and stop all pains and aches immediately, then just take three doses per day as long as necessary to obtain permanent results. * * * Special Directions: Very old people, people who are in very poor health, those who naturally have a frail or delicate constitution, and anyone who finds the full dose a trifle too strong, should not lay the treatment aside, but simply take a smaller dose. * * * Allen's Rheumatic Treatment gives quick and wonderful relief from the awful pains and aches suffered by those who are afflicted with Rheumatism, Neuritis, Lumbago, Gout * * * yet it does not contain * * * any drug prohibited by the Pure Food and Drug Act. The wonderful relief from pains and aches given by this remedy * * * The excellent results obtained as pain relievers in all Rheumatic and Neuralgic diseases also justify us in calling your attention to these tablets for pains and aches in the following common ills: Toothache, Earache, Locomotor Ataxia Pains, Migraine, Fever (Feverish Conditions), Ovarian Pains And Pains And Aches Peculiar To Women. Those who have

been suffering greatly at night time from Rheumatic or Neuritis pains, and have perhaps been unable to sleep at night for weeks at a time, will find that a dose of these tablets, taken at bedtime, will give wonderful relief, and they will be able to sleep soundly at night, free from all aches and pains."

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21539. Adulteration and misbranding of A-R-T. Tablets. U. S. v. 24 Dozen Packages of A-R-T Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30597. Sample no. 26157-A.)

On June 13, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen packages of A-R-T Tablets at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 27, 1933, by the Hart M. Allen Laboratories, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the product by this Department showed that it consisted of a mixture of blue and white tablets. The white tablets contained acetanilid (5.2 grains each), caffeine, and sodium bicarbonate. The blue tablets contained acetylsalicylic acid (7.3 grains each).

It was alleged in the libel that the article was adulterated in that its strength fell below the standard of quality under which it was sold, namely: (Carton) "Each White tablet contains approximately three and one-half grains acetanilide", since the amount of acetanilid in each of the white tablets was materially greater than $3\frac{1}{2}$ grains.

Misbranding was alleged for the reason that the statement, "Each white tablet contains approximately three and one-half grains acetanilide," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, since the declaration on the label was incorrect. Misbranding was alleged for the further reason that the initials "A-R-T" on the carton and leaflet, as interpreted by the statement: "This is the same remedy that you have always bought under the name of 'Allen's Rheumatic Treatment'", appearing in a typewritten leaflet enclosed in the carton, were statements regarding the therapeutic or curative effects of the article and were false and fraudulent.

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21540. Misbranding of Pulvis Alkantis. U. S. v. $6\frac{1}{2}$ Dozen Boxes of Pulvis Alkantis. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31148. Sample nos. 46809-A, 46852-A.)

Examination of the drug preparation, Pulvis Alkantis, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label.

On September 22, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six and one-half dozen boxes of Pulvis Alkantis at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 30 and September 14, 1933, by Lafayette Pharmacal, Inc., from Lafayette, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, magnesium carbonate, bismuth subcarbonate, cerium oxalate, and a small proportion of menthol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the box label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "A Symptomatic Treatment Gastric Ulcer Acute Gastric Catarrh, Acute Enteritis, Hyperacidity, Reflex Vomiting * * * Dosage Average dose one teaspoonful in water three times a day, or more often if necessary. In acute attacks, Dose may be doubled."

On October 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21541. Misbranding of C. G. Griswold's Family Salve or Plaster. U. S. v. 142 Packages of C. G. Griswold's Family Salve or Plaster. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31198. Sample no. 43938-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 6, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 packages of C. G. Griswold's Family Salve or Plaster at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by the Sisson Drug Co., from Hartford, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of lead oleate and rosin.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the wrapper, were false and fraudulent: "For * * * Boils * * * and Wounds. Helps external Ulcers and hard Tumors, * * * and Sores of all kinds for Man or Beast. * * * For Boils, ulcers and canker sores."

On October 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21542. Misbranding of Du Bois Pacific Pills. U. S. v. 28 Boxes and 70 Tins of Pacific Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30875, 31147. Sample nos. 40497-A, 49564-A.)

Examination of the drug product, Du Bois Pacific Pills, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 11, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 boxes of Du Bois Pacific Pills at Peoria, Ill. On September 22, 1933, a libel was filed in the Eastern District of Wisconsin against 70 tins of Du Bois Pacific Pills at Milwaukee, Wis. It was alleged in the libels that the article had been shipped in interstate commerce on or about June 5 and June 8, 1933, by W. J. Baumgartner, from Detroit, Mich., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of aloe, myrrh, and iron sulphate.

The libels charged that the article was misbranded in that the following statements appearing in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: "The National Standard Dispensatory, 3rd edition has the following to say: Aloes—Page No. 145 'Aloes distinctly increases the menstrual flow. Whether this is due to some direct influence of the drug upon the uterus itself or whether it is caused by an extension of the irritation of the rectum to the uterus is not definitely known, but it probably acts by increasing pelvic congestion. Amenorrhoea and menorrhagia, resulting from anemia, are frequently relieved by aloes when combined with iron and other suitable remedies. * * * In the same volume of the Dispensatory, Iron and Dessicated Ferrous Sulphate, page No. 681, is described as follows: 'Ferrous Sulphate is one of the most astringent salts of iron. Because of its astringency it is supposed to be especially adapted to the treatment of leucorrhoea, metrorrhagia, menorrhagia, and other abnormal discharges due to anemia, etc.:' * * * Then again on page 1043 of this same volume Powdered Myrrh is described as follows: 'This substance is

employed for its tonic and stimulating properties. In moderate doses it acts as a mild circulatory stimulant, and increases the activity of the respiratory, gastric and uterin mucous membranes, etc., * * * In quoting the above extracts from the National Standard Dispensatory, we do not make any of these claims for our product. We have merely presented scientific statements as published in a recognized text book."

On October 20 and December 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21543. Misbranding of Nash's Purgative Tablets and Nash's Headache Tablets. U. S. v. 1,382 Bottles of Nash's Purgative Tablets and 675 Packages of Nash's Headache Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30528, 30529. Sample nos. 24090-A, 24091-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 29, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,382 bottles of Nash's Purgative Tablets and 675 packages of Nash's Headache Tablets at Memphis, Tenn., alleging that the articles had been shipped in interstate commerce in various lots on or about November 25, November 26, and November 30, 1932, by Nash Bros. Drug Co., from Jonesboro, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Nash's Purgative Tablets consisted essentially of mercurous chloride, phenolphthalein, and an extract of a laxative plant drug, and that Nash's Headache Tablets consisted essentially of acetphenetidin, acetylsalicylic acid, phenolphthalein, and caffeine.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Purgative tablets, red carton) "For Biliousness.", (purgative tablets, blue carton) "Biliousness * * * Cause many cases of serious illness and diseases * * * Give relief from biliousness.", (purgative tablets, circular) "Removes Poisons Builds Health * * * Biliousness * * * Indigestion—Sick Headache Torpid Liver—Toxic Poisons Bad Complexion. * * * Torpid or Inactive Liver * * * most ailments are caused by the liver not functioning properly—in other words not carrying off the poisonous waste matter from the system. In fact the liver has been called the scavenger of the system and when it is out of order the whole system gradually seeps poison and causes many cases of sickness and disease. Nash's Purgative Tablets will thoroughly stimulate the Liver to carry on the work that Nature intended * * * Take one tablet night and morning for a few days until proper results are obtained. * * * Biliousness. A great many people would enjoy life if it were not for the fact that they are bilious most of the time—in fact it has been estimated that at least two out of three in the Southland of ours suffer from some form of biliousness. Biliousness causes sick headaches, indigestion, loss of energy, laziness, and loss of interest in life. * * * bilious attacks. * * * Constipation is no doubt the most common disease of the entire South. While there are many cases of constipation with the younger folks our experience teaches us that eight out of ten men and women over forty years of age are bothered with constipation. * * * Diarrhoea. Many people think that a laxative or purgative is the wrong medicine to take while the bowels are too loose or running off of the bowels. This is an old foggy idea—when the bowels are too loose it is generally caused by a germ or poisonous matter and should be removed before the bowels can properly function. In cases of Diarrhoea * * * keep the liver acting. * * * Remove Poisons Get Health * * * most cases of sickness * * * are caused by biliousness and constipation, * * * promptly assist Nature in removing poisons from the system * * * To remove poisonous waste matter from the system—stimulate the glands of the liver thereby causing a more frequent flow of bile—assisting Nature to function and to build health. * * * in treating chronic constipation. * * * tonic action on the lower bowel and is there-

for desirable in treating for chronic constipation and biliousness * * * liver stimulant. * * * Antiseptic * * * for treating liver trouble * * * a tonic and stimulant and a tonic conditions of this alimentary canal.", (headache tablets, circular) "Why suffer with * * * Back ache Lumbago Menstrual Pains * * * Inability to sleep * * * It is very, very seldom that Nash's Headache Tablets fail to give satisfactory results. * * * Stop the pain * * * to stop pain * * * satisfactory results. * * * Nash's Headache Tablets are manufactured to give relief but the cause of headaches should be diagnosed and treatment taken for the cause. Many cases of headache are caused by constipation and inactive liver, * * * when the headache is caused from biliousness, inactive liver. * * * La-grippe—influenza * * * Rheumatism Nash's Headache Tablets are very valuable in treating Rheumatism. * * * will relieve the pain and allow the patient to get rest. Their regular use sometimes has tendency to remove the cause of rheumatism. * * * Painful menstruation Many women go from month to month suffering with their regular monthly period. While Nash's Headache Tablets are not recommended to take the place of a physician they are valuable in relieving the pains in connection with painful menstruation—one of the first uses of this tablet was for these pains. When bothered with pains of this kind take one or two tablets in the morning and the chances are that you will go through the entire day without further discomfort. Don't be afraid to take them as you will experience no unpleasant after effects. Fevers, Nash's Headache Tablets reduce fevers. However, the cause of fevers should be ascertained and treatment of the disease commenced. It is always well to take a purgative when feverish. Inability to sleep. Many people lie awake at night being unable to sleep from no apparent cause. This is sometimes caused by Nervousness—Constipation—Stomach out of order. Nash's Headache Tablets are used to quiet the nerves and thus produce sleep. However, the patient should not depend on any medicine to produce sleep for many nights in succession. Mr. Nash advises one Nash's Headache Tablet at night then skip a night or so before taking another. * * * guarantee to produce satisfactory results * * * valuable remedy * * * actually give satisfactory results."

On October 12, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21544. Misbranding of No-Septo. U. S. v. 48 Large and 42 Small Tubes of No-Septo. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30608. Sample no. 26167-A.)

Examination of the drug product No-Septo disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 16, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 large and 42 small tubes of No-Septo at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 16, 1933, by the No-Septo Laboratories, from Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a volatile oil, such as turpentine oil, (8.8 milliliters per 100 grams), incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Display carton) "Hard to Heal Sores * * * Soft Corns * * * Piles Infections * * * For Inflamed Infected Wounds and Cuts Insures proper draining Promotes right healing unequalled for Boils * * * Stubborn Sores", (retail carton) "For Boils * * * and Festered Sores * * * Safeguard against Infection", (large tube) "For Infected and inflamed wounds, ulcers, boils, piles, abscesses and festering sores * * * skin eruptions * * * dandruff and scalp diseases cover affected parts with No-Septo Extracts Poison, Sterilizes, Heals * * * Safeguard against Infection", (small tube) "Safeguard against Infection. For Infected wounds, piles, abscesses, fish poisoning * * * for * * * boils * * * Extracts Poison, Sterilizes, Heals", (circular) "Vital in an emergency for the

treatment of * * * Boils * * * Sores, Abscesses * * * Acid Burns, Soft Corns * * * Festered Spots * * * dangerous Fish Poisoning. * * * Danger lurks wherever the skin is broken. More than 90 per cent of dangerous infection is preventable but carelessness in permitting smaller wounds to go without treatment causes many days of agony and expensive hospital care. * * * With this * * * sterilizing and healing agent it is easy to prevent many, many serious infections * * * It never heals over infection but keeps the wound open until all the poison is drawn out, then its soothing properties heal the wound. * * * For inflamed, infected and swollen wounds and sores * * * For infections, use plenty of No-Septo. * * * Safeguard against Infection."

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21545. Misbranding of Mentholyptus. U. S. v. 105 Small Packages, et al., of Mentholyptus. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30604. Sample no. 26160-A.)

Examination of the drug preparation Mentholyptus disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 16, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 small, 3 medium, and 3 large packages of Mentholyptus at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 1, 1927, by the Cralego Pharmacal Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (approximately 18 milliliters per 100 grams), including menthol, camphor, and eucalyptus oil, incorporated in petrolatum, colored green.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "First Thought in Pneumonia and Chest Colds. Relieves Inflammation and Congestion in All Parts of the Human Body. * * * Healing. * * * Buy the Best for the Sick Indicated in Pneumonia, Bronchitis, Sore Throat, Asthma, Catarrh, Chest Colds * * * Neuritis, Rheumatism, Eczema * * * and all Skin Eruptions. A sovereign remedy in the treatment of Pneumonia, Influenza and all respiratory troubles * * * healing", (jar label) "As an aid in the treatment of congestion of the chest and lungs. A most valuable remedy for the home in Croup, Pneumonia, Chest Colds, Tonsilitis, Catarrh, Sore Throat, * * * Rheumatism, * * * and all inflammations and congestions of the body. * * * the congested surface * * * An almost instant relief in Coughs, Bronchitis, and Pneumonia * * * over congested area. In sore throat * * *", (circular) "For Chest Colds, Bronchitis, Pneumonia, Croup, Sore Throat, Quinsy, Tonsilitis, Rheumatism, Neuritis * * * Asthma, Eczema * * * and all inflammations and congestions * * * healing * * * Mentholyptus relieves inflammation and congestion in all parts of the human body, is sure * * * healing * * * Don't buy the sick and helpless off your hands at the lowest possible cost. The best is none too good and Mentholyptus has no equal for all conditions mentioned herein. * * * Upon the Chest in Chest Colds, Pneumonia, Bronchitis * * * Directions for use. Bronchitis, Pneumonia, Chest Colds, Croup, Tonsilitis, Quinsy, Sore Throat, etc., apply to area affected * * * For * * * Nasal Catarrh and Hay Fever * * * very efficacious in all affection of the throat and lungs. * * * Neuritis * * * affected area * * * After swelling and inflammation subsides * * * For * * * Croup, Pneumonia and Lung Congestion * * * Use plentifully until congestion is reduced. Eczema * * * Painful Menstruation. A few days prior to the period apply Mentholyptus to the abdomen and massage gently covering same with warm flannel. Keep feet warm and dry. Rheumatism * * * to affect relief and restore circulation. Note:—The use of vaporized antiseptics for certain inflammatory diseases of the air passages, is a modern and valuable method of

treatment. The patient is enabled to breathe an atmosphere permeated with the desired medicament at night when they may undergo treatment while asleep. For whooping cough, Asthma, Bronchitis, Catarrh, etc. * * * It is wonderful in its effect."

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21546. Misbranding of Dentoris. U. S. v. 48 Bottles and 35 Bottles of Dentoris. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30557. Sample no. 41593-A.)

Examination of the product Dentoris involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 5, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty-eight 16-ounce bottles and thirty-five 6-ounce bottles of Dentoris at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce in various shipments on or about October 24 and 27, 1932, and March 11, 1933, by the Ford Hopkins Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, small proportions of thymol and salicylic acid, alcohol, and water, colored with a yellow dye.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label, regarding the therapeutic or curative effects of the article, were false and fraudulent: "Unequaled in the Treatment of Pyorrhea, Tender, Bleeding Gums * * * Sore Throat, Tonsillitis Nasal Catarrh. * * * This will make * * * the gums firm and keep the tissues of mouth and throat healthy. Decay usually being the narrow spaces between the teeth from food particles which your tooth-brush does not reach. Forcing Dentoris liquid through these spaces between the teeth after each meal, removes these food particles. * * * it acts as a * * * prophylactic. Tender, Bleeding Gums Use as wash full strength three times daily. * * * Pyorrhea. This disorder can usually be prevented by maintaining clean conditions in the mouth as directed above. Frequent applications of Dentoris liquid antiseptic (full strength) will greatly aid in retarding and checking the disorder. * * * Canker Or Sore Mouth. Use Dentoris full strength as a wash. * * * For simple Tonsillitis and Sore Throat, dilute with an equal quantity of water and use as a gargle."

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21547. Misbranding of Bevill's Lotion. U. S. v. 36 Bottles and 47 Bottles of Bevill's Lotion. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30586, 30587. Sample nos. 35639-A, 35640-A, 35641-A.)

Examination of the drug product, Bevill's Lotion, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about June 14, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 large bottles and 74 small bottles of Bevill's Lotion at Houston, Tex., alleging that the article had been shipped in interstate commerce in part on or about April 20, 1933, and in part on or about May 2, 1933, by the Bevill Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid, phenol, alcohol, and water, perfumed with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton label,

large and small size) "For Eczema and Skin Troubles * * * Particularly recommended in the treatment and prevention of Eczema, Acne, Pimples, Breaking Outs, Itch, new and old Sores, and all disturbances affecting the skin"; (bottle label, large and small size) "For treatment of Eczema * * * Tetter * * * Old Sores and other skin trouble For Eczema and Skin Troubles"; (circular, large size) "Here's Relief from Eczema, Acne, Tetter, Itch, Pimples, Sores And All Skin Troubles * * * for Eczema and Skin Troubles For All Skin Troubles * * * The effectiveness of Bevill's Lotion in bringing almost instant relief and permanent correction in cases of Eczema, Acne, Tetter, Itching Piles, Itch, Pimples, and other kindred surface disturbances has caused this * * * harmless lotion to become the accepted standard remedy. Not only does Bevill's Lotion actually end these annoying, painful and embarrassing troubles * * * other surface injuries * * * As a corrective for Itching Scalp and Dandruff * * * Old sores and ulcers, even after neglect, respond rapidly to Bevill's Lotion. Sufferers from Itching Piles * * * a most efficient remedy * * * Eczema * * * generally stops all signs of the disease within ten days or two weeks if applied according to directions. Apply freely to the afflicted area, letting Bevill's Lotion Penetrate into the skin. Hold a cloth over saturated skin for 1 minute. Repeat each night and in severe cases, twice every twenty-four hours. * * * Acne, Tetter Itch Rapid permanent relief * * * Apply freely to the afflicted area following directions given for treatment of Eczema. * * * Pimples * * * affected surface * * * Old Sores Old sores and ulcers respond very quickly to Bevill's Lotion * * * Itching Scalp and Dandruff * * * Itching Piles Itching piles can be effectively treated in an easy, clean and safe manner with Bevill's Lotion. Saturate a small piece of cotton with the lotion, and apply for exactly one minute each night until permanent relief is secured [similar statements in a foreign language]"; (circular, small size) "Eczema Lotion For Eczema * * * Old Sores, Boils, Acne, Tetter or any Skin Infection * * * Eczema Lotion * * * affected parts * * * For Eczema or Tetter * * * Eczema Lotion * * * Bevill's Eczema Lotion usually heals in ten days * * * affected parts * * * For other skin infections."

The above-quoted statements appeared in the labeling of the product shipped May 2, 1933. The labeling of the shipment of April 20, 1933, also bore claims as to the effectiveness of the article as a treatment of eczema, tetter, new and old sores, acne, pimples, breaking outs, itch, boils, any skin infection or other skin troubles, and as an eczema lotion.

On August 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21548. Misbranding of Ercolin. U. S. v. 95 Bottles of Ercolin. Default decree of condemnation and destruction. (F. & D. no. 30462. S. no. 26497-A.)

Examination of the drug preparation, Ercolin, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 16, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 95 bottles of Ercolin at Washington, D.C., alleging that the article was being offered for sale at the premises of the Peoples Drug Stores, Inc., Washington, D.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of gallic acid and glycerin dissolved in water. It contained mold.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Hay Fever and Sinus Instant Relief * * * Other Uses Ercolin gives relief for * * * rose colds, rose fever, rhinitis, sore throat * * * catarrh, as well as hay fever and sinus. * * * Directions For hay fever and sinus, apply Ercolin full strength by means of nasal douche * * * special directions for sinus * * *"; (bottle label) "For Hay Fever and Sinus Other Uses Ercolin gives relief for * * *

rose colds, rose fever, rhinitis, sore throat * * * catarrh, as well as hay fever and sinus. * * * Directions For hay fever and sinus, apply Ercolin full strength by means of nasal douche * * * special directions for sinus"; (circular) "Palliative Treatment for Hay Fever Sinus Catarrh * * * Hay Fever—What It Is Science has proved that hay fever is due to protein toxin infection. Pollen from the flowers of certain plants, grasses and trees is carried long distances on the wind and lodges on the mucous lining of the nose, eyes and throat. This is why even people who live in the heart of the city, with no green things growing near, may suffer acutely from hay fever. These pollens are about 25% raw protein. This protein is absorbed directly into the blood through the mucous membranes and produces a distinct toxic effect. It disturbs the blood balance and nervous system, causing the symptoms of hay fever—profuse flowing from eyes and nose, frequent and body-wracking sneezing, general malaise, insomnia, headache, poor appetite, fever, and, in many cases, asthma. Doctors say asthma is almost sure to develop, if hay fever is neglected. Sufferers may also become acutely sensitive to dust, smoke, gases and animal dandruff. Hay fever can be contracted by persons of any age. The tendency of an attack is to sensitize one to the disease. Once contracted, hay fever lasts for years, in recurring attacks. How Ercolin Acts Ercolin is a harmless chemical solution which, upon coming in contact with the pollens lodged on the membranes, immediately neutralizes and precipitates the protein, washing it away before it is absorbed into the blood stream. During the hay fever season, when pollens are freely flying, they are constantly lodging on the mucous membranes. Best results, therefore, are obtained by using Ercolin as frequently as necessary to maintain your comfort. * * * for Hay Fever Ercolin is most quickly effective through the use of the nasal douche * * * the effected tissues in parts of the nose and mouth * * * Start using Ercolin with a treatment night and morning a few days before the hay fever season is due, thus beginning the treatment before the membranes have become inflamed and congested. Use as freely as necessary to obtain comfort during the whole hay fever season. Rose fever and rose colds are essentially the same as hay fever, and are due to the infection from the pollen of grasses which flower during the spring and summer seasons. Quick relief follows the use of Ercolin, after the same directions as given for the treatment of hay fever. How to Use Ercolin for Sinus Sinus is a deep-seated condition. It requires some time for Ercolin to penetrate thoroughly to the parts affected. Several treatments are sometimes necessary and best results are obtained by frequent application. After treatment, blow the nose gently—not violently—to aid in washing away the discharge. Apply Ercolin at the first sign of infection, using the nasal douche or atomizer, and following the same methods of treatment as in hay fever. In specially severe cases * * * the irritated membranes * * * Chronic Catarrh Chronic Catarrh is almost always the result of certain colds, which develop an acute or chronic congestion and inflammation of the mucous membranes. Proper treatment means providing free drainage to permit the complete removal of the products of inflammation, dead or diseased tissue, etc. Ercolin is of value in the treatment of catarrh in that it penetrates directly to the affected parts, washes out the poisons, and aids in the free elimination of the mucous discharge. Use Ercolin regularly, morning and evening, with nasal douche or atomizer, as indicated for sinus. * * * Sore Throat Use Ercolin at the very first symptom of a cold, and you may save yourself from serious illness. * * * In cases of sore throat and tonsillitis, Ercolin, full strength, makes an effective gargle."

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21549. Misbranding of Chicko Tablets for White Diarrhea in Chicks, Chicko Tablets for Roup, Canker, Catarrh, Influenza and Sore-Head, and Chicko Powder for Cholera and Other Bowel Trouble in Poultry. U. S. v. 60% Dozen Packages of Chicko Tablets for White Diarrhea in Chicks, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30449, 30450, 30451. Sample nos. 17073-A, 17074-A, 17075-A.)

Examination of the drug products involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 15, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60¾ dozen packages of Chicko Tablets For White Diarrhea in Chicks, 101½ dozen packages of Chicko Tablets for Roup, Canker, Catarrh, Influenza and Sore-Head, and 59¾ dozen packages of Chicko Powder for Cholera and Other Bowel Trouble in Poultry at Ottumwa, Iowa, alleging that the articles had been shipped in interstate commerce on or about February 23, 1926, by the Redwood Laboratories, Inc., from Redwood Falls, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Chicko Powder for Cholera and Other Bowel Trouble in Poultry consisted essentially of potassium, alum, sulphur, capsicum, and asafetida; and that the Chicko Tablets for White Diarrhea in Chicks consisted essentially of mercuric chloride, compounds of zinc, calcium, and sodium, including phenolsulphonates; and that the Chicko Tablets for Roup, Canker, Catarrh, Influenza and Sore-Head consisted essentially of compounds of sodium, potassium, and manganese, including a sulphate, and boric acid.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Chicko Tablets for White Diarrhea in Chicks, bottle label) "For White Diarrhea in Chicks"; (carton) "For White Diarrhea and other Bowel Trouble * * * As a Preventive. * * * For Sick Chicks. For White Diarrhea and other bowel trouble * * * For Adult Sick Bird. For mature bird suffering from loose bowels or any form of diarrhea * * * If the birds are too sick or refuse to drink * * *. As in other diseases"; (Chicko Tablets For Roup, Canker, Catarrh, Influenza and Sore-Head, bottle label) "For Roup, Canker, Catarrh, Influenza and Sore-Head As a Preventive against Roup and other similar diseases * * * For Sick Fowls * * * In severe cases dip the fowl's head in this solution at frequent intervals and continue the treatment until well"; (carton label) "Tablets for Roup, Canker, Catarrh, Influenza and Sore-Head * * * As a Preventive against Roup and other similar diseases * * * For sick fowls * * * If the disease has developed so far that the bird cannot see * * * In severe cases dip the fowl's head in this solution at frequent intervals and continue the treatment until well. * * * As in other diseases * * *"; (Chicko Powder for Cholera and Other Bowel Trouble in Poultry, carton) "Powder for Cholera and Other Bowel Trouble in Poultry Also for Black Head in Turkey * * * Chicko Powder for Cholera for Chickens When chicks have cholera or loosening of the bowels caused by eating musty or otherwise unfit feed, mix 1 tablespoonful of Chico O powder for Cholera with a quart of mash. * * * If the birds are too sick to eat * * * For turkeys having Black Head—Mix a tablespoonful of Chick O Powder for cholera with a quart of mash * * * As in other diseases * * * This powder is not intended for a cure at all; it is a special formula for a special ailment and has been used by Government representatives with most excellent results."

On September 23, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal. It was further ordered that costs be assessed against the shipper.

M. L. WILSON, *Acting Secretary of Agriculture.*

21550. Adulteration and misbranding of ether. U. S. v. 180 Cans and 150 Cans of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 29850. Sample nos. 24061-A, 24062-A.)

These cases involved shipments of ether represented to be of pharmacopoeial standard. Samples of the article were found to contain aldehyde, a substance not found in a product which meets the tests of the United States Pharmacopoeia for ether.

On February 14 and February 16, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three hundred and thirty 1-pound cans of ether at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 10, 1933, and January 27, 1933, by Merck & Co., Inc., from Rahway, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

Analyses of samples of the article by this Department showed that aldehyde was present in 2 of the 20 cans examined.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading.

On September 14, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21551. Misbranding of Moroline. U. S. v. 207 Jars of Moroline. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30751. Sample no. 42943-A.)

Examination of the drug product, Moroline, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar label.

On July 25, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 207 jars of Moroline at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about June 28, 1933, by the Red Line Products Co., from Bush Terminal, Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it was petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Remedy For * * * Piles * * * Dressing For Sores and Wounds, Etc., Internally Will Relieve Sore Throat Coughs."

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21552. Adulteration and misbranding of Sterodent Prophylactic Cleanser and Steraseptic Tablets. U. S. v. 46 Small and 19 Large Packages of Sterodent Prophylactic Cleanser and Certain Packages of Steraseptic Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30588, 30589. Sample no. 38223-A.)

These cases involved an interstate shipment of certain drug products known as Sterodent Cleanser and Steraseptic Tablets. Examination disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. It was claimed that the Sterodent Cleanser contained mercurochrome and sodium perborate, whereas it contained no sodium perborate and an insignificant amount of mercurochrome. Tests of the said Sterodent Cleanser showed that it did not have the germicidal properties claimed.

On June 12, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 46 small and 19 large packages of Sterodent Prophylactic Cleanser and certain packages of Steraseptic Tablets at Easton, Pa., alleging that the articles had been shipped in interstate commerce on or about April 4, 1933, by the Sterile Products Co., from San Diego, Calif., and charging adulteration and misbranding with respect to the former, and misbranding with respect to the latter, in violation of the Food and Drugs Act as amended.

Analyses of sample of the articles by this Department showed that the Sterodent Prophylactic Cleanser consisted essentially of a powdered silicate, calcium carbonate, borax, and glycerin, flavored with spearmint oil and col-

ored with a pink dye. Sodium perborate was not present, and mercurochrome was present in an insignificant proportion. Bacteriological examination showed that the article was not a germicide. The Steraseptic Tablets contained aluminum sulphate and lactose, flavored with peppermint oil and colored with a red dye. Bacteriological examination showed that the solution of these tablets recommended for use was not antiseptic.

It was alleged in the libel that the Sterodent Cleanser was adulterated in that it was claimed to be a "paste containing Mercurochrome and Sodium Perborate", whereas it contained no sodium perborate and only an insignificant amount of mercurochrome.

Misbranding of the said Sterodent Cleanser was alleged for the reason that the following statements in the labeling were false and misleading: (Jar) "A prophylactic paste containing Mercurochrome and Sodium Perborate", (circular describing product) "Sterodent Prophylactic Cleanser owes its wonderful cleaning and polishing properties to prophylactic agents harmless to tooth structure * * * Mercurochrome, the penetrating and powerful germicidal properties of which are well known to the dental profession, acts as a prophylactic agent against the infection of abrasions and lacerations, which may be produced during cleaning as well as imparting a healthy pink color to the gums. Sodium Perborate acts almost as a specific in Vincent's Infection (Trench Mouth). Its destructive action against the organisms, Vincent's spirochaetae and the fusiform bacilli, which are always associated with this disease, is so well known to the dental profession that its prophylactic value in a cleaning paste in this day when these organisms are so often present in the mouth where the disease itself has not become active, need not be elaborated upon. * * * Allow it to remain for a few moments or a sufficient time to permit the Mercurochrome to penetrate the gum tissues, imparting to them a healthy pink tone"; (circular describing other products) "Contains Mercurochrome and Sodium Perborate."

Misbranding of both products was alleged for the reason that the following statements regarding their curative and therapeutic effects were false and fraudulent: (Sterodent Cleaner, circular describing product) "Mercurochrome, the penetrating and powerful germicidal properties of which are well known to the dental profession, acts as a prophylactic agent against the infection of abrasions and lacerations, which may be produced during cleaning as well as imparting a healthy pink color to the gums. Sodium Perborate acts almost as a specific in Vincent's Infection (Trench Mouth). Its destructive action against the organisms, Vincent's spirochaetae and the fusiform bacilli, which are always associated with this disease, is so well known to the dental profession that its prophylactic value in a cleaning paste in this day when these organisms are so often present in the mouth where the disease itself has not become active need not be elaborated upon. * * * Allow it to remain for a few moments or a sufficient time to permit the Mercurochrome to penetrate the gum tissues, imparting to them a healthy pink tone", (Steraseptic Tablets, can) "The Aseptic Gargle & Mouth Wash For Pyorrhea, Infected Gums, Mouth & Throat Disorders", (circular) "Healing * * * Producing an Aseptic Condition Necessary to Disease Prevention and Cure * * * It is a *Nose and throat* Aseptic and Cleanser of the *slimes* and *films* that *harbor* and *breed* *bacteria*. Asepsis * * * Cleanliness—Free From Germs—is the primary principal of modern surgery. Nature Does The Healing. Steraseptic solution coagulates (curdles) and removes Mucus, Mucin (Film) and Albuminous secretions from the teeth, mouth and throat, together with all bacteria—dead or alive—contained therein. It penetrates between the teeth and into places difficult to clean with a brush or tooth paste. This Modern Method of Asepsis is more effective than attempts to kill bacteria. * * * Aseptic properties of Steraseptic account for its remarkable effect in contracting and hardening soft, spongy, bleeding gums. As a nasal and throat spray for * * * sore * * * throat * * * For Pyorrhea, Vincent's infection, sore, tender or bleeding gums, and after extractions of teeth, use not less than four times a day. * * * For sinus trouble use half strength as a nasal douche or irrigation."

On September 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21553. Misbranding of Asma-Tea. U. S. v. 249 Packages, et al., of Asma-Tea. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 30620, 30621. Sample nos. 37408-A, 37411-A.)

Examination of the drug product, Asma-Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was claimed for the article that it contained no drugs, whereas analysis showed the presence of drugs.

On June 19, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 249 packages of Asma-Tea at Albany, Oreg., and 45 packages of Asma-Tea at Portland, Oreg. It was alleged in the libels that the article had been shipped in interstate commerce on or about December 31, 1932, and January 25, 1933, by the Asma-Tea Co., from New York City, to Albany, Oreg., that a part had been reshipped from Albany, Oreg., to Portland, Oreg., on or about February 25, 1933, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of ephedra, licorice, perilla seed, and a nut.

It was alleged in the libels that the article was misbranded in that the statement in the circular, "Contains no drugs", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For Asthma, Bronchitis and Hay Fever * * * Asma-Tea * * * After getting entirely well, one can take it occasionally for a few days, especially when catching cold. By doing this, one can avoid a relapse. Important—In order to obtain the best results, one must take it every day for at least two weeks continuously * * * Asma-Tea Co. * * *", (envelop) "Asmatea for Asthma, Bronchitis and Hay Fever * * *", (circular) "Asma-Tea * * * The Gospel for sufferers of Asthma and Hay-Fever * * * Asthma in Japan, as in America and in countries all over the world, has wrought havoc because of its apparent incurability. * * * a tea, composed of various herbs for the relief of Asthma, Bronchial Asthma, and Hay-Fever. * * * in extreme cases of Asthma. * * * the startling thought that perhaps, at last, a cure had been found, where heretofore, the only relief afforded had been at best, temporary. * * * was overcome with a severe attack of Bronchial Asthma and was forced to take to his bed. * * * the General was afflicted with Asthma * * * he had suffered from Asthma for two years and had sought relief from famous Asthma Specialists * * * after two months of careful observance to Dr. Saiki's requests he was delighted to note the disappearance of all signs of his Asthma, and has had no recurrence since. * * * for the sake of humanity. * * * The tea * * * very successful in apparently hopeless cases of Asthma. * * * Asma-Tea has been successful in relieving many seemingly incurable cases of Asthma and Hay-Fever, and if you take it faithfully, and are convinced after the trial that your condition has not improved and that there is not a decrease in your discomfort from Asthma * * * Asma-Tea. * * * sufferers * * * Asma-Tea", (testimonials in circular) "'I have had wonderful results with the 'Asma-Tea.' I had a patient who had had Asthma since birth, and has never had an attack since taking the 'Tea' and have had good results in every case I have prescribed it. I had a case of Asthma some years ago who had been treated by physicians all over this country without beneficial results, she had wasted away until her weight was reduced, I think from 150 pounds to 90 pounds. She is entirely cured now. I saw her the day before yesterday, she is entirely free from Asthma and perfectly happy and has regained her former weight.—I can not give this remedy too much praise. Many cases were relieved by the tea when the use of ephedrine, the eradication of sinus infection and the use of autogenous vaccines failed. The tea would prove to be a valuable remedy in the hands of the general practitioner who is not equipped for skin testing or vaccine preparation and is unfamiliar with the use of ephedrine. In reply to your letter beg to say that having tried many remedies without success I finally succeeded in getting the Japanese Tea from you. I am pleased to say that it has given me decided relief and I am in hopes that eventually it will prove to be a cure. * * * Asma-Tea", (testimonial circular) "'Asma-Tea.' * * * I caught a bronchial cold, and in connection with it I suffered quite severely from Asthma. * * * advised the use of 'Asma-Tea.' * * * I commenced to get relief almost immediately, and after some days the symptoms

practically ceased; but I continued the treatment in order to secure a permanent cure, * * * I had no return of asthmatic symptoms for about a year, when I had a slight attack, which was permanently dissipated by renewing the treatment for about a fortnight."

On September 19, 1933, Foshay & Mason, Inc., Albany, Oreg., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be relabeled in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21554. Misbranding of Live-On Treatment. U. S. v. 14 Small and 16 Large Bottles of Live-On Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30774. Sample no. 34310-A.)

Examination of the drug preparation, Live-On Treatment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 27, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles of Live-On Treatment at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1932, by the Live-On Medicine Co., from Benton, Ill., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of rhubarb extract, tar, vinegar, alcohol, and sirup.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Liveon * * * Live-On treatment for chronic coughs and persistent colds * * *. The wonderful medicine for coughs * * * catarrhal bronchitis and bronchial asthma. A healing preparation for throat and lung troubles and pulmonary diseases due to colds. Live-on treatment for chronic coughs and persistent colds * * * Live-On * * * Live-On * * * a proven benefit in the treatment of chronic coughs, persistent colds and affections of the bronchial tubes due to colds. Live-On Medicines are as near a fountain of perpetual youth as anything discovered. * * * Live-On treatment for chronic coughs and persistent colds. * * * beneficial for the relief of chronic coughs and persistent colds. Coughs * * * Hoarseness and Sore Throat are diminished by the use of this treatment, body weight and appetite are increased in most cases and conditions are greatly improved. * * * heals the inflamed surfaces. We recommend Live-On treatment to be taken for coughs and colds, particularly those of long standing, and continue its use as long as the Cough or Cold remains. Live-On * * *."

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21555. Misbranding of White Petrobalm and yellow petrolatum. U. S. v. 568 Jars of White Petrobalm and 81 Jars of Yellow Petrolatum. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30826, 30827. Sample nos. 42940-A, 42941-A, 42963-A.)

Examination of the White Petrobalm and Yellow Petrolatum involved in these cases disclosed that the articles contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling. Sample jars taken from the yellow petrolatum were found to contain less than 2 ounces, the labeled weight.

On August 4, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 568 jars of White Petrobalm and 81 jars of yellow petrolatum at Scranton, Pa., alleging that the articles had been shipped in interstate commerce on or about March 10, 1933, by the Certified Pharmacal Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the product, labeled "Yellow Petrolatum", was petrolatum; and the article, labeled "White Petrolatum", was white petrolatum.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (Jars, both products) "A valuable family remedy for * * * wounds * * * skin diseases, hemorrhoids * * * etc. taken internally will relieve coughs * * * Sore Throat", (carton, White Petrolatum) "Skin diseases, wounds, rheumatism * * * hemorrhoids * * * etc. * * * take internally for coughs * * * sore throats, etc. etc." Misbranding of the Yellow Petrolatum was alleged for the further reason that the statement on the jar, "Net Two Ounces", was false and misleading.

On August 30 and August 31, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21556. Misbranding of Liberty Tonic, Liberty Liniment, Ru-Co Skin Remedy, Cly-Tone Tonic, and Liberty Nerve and Gland Treatment. U. S. v. 146 Bottles of Liberty Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30882, 30883, 30884, 30885, 30886. Sample nos. 46664-A, 46667-A, 46668-A, 46669-A, 46671-A.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings of the respective products.

On August 11, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 146 bottles of Liberty Tonic, 47 bottles of Liberty Liniment, 29 jars of Ru-Co Skin Remedy, 72 bottles of Cly-Tone Tonic, and 58 packages of Liberty Nerve and Gland Treatment at New Orleans, La., alleging that the articles had been shipped in interstate commerce in various shipments on or about May 13, May 26, June 14, and July 19, 1933, by the Clyde Collins Chemical Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Liberty Tonic consisted essentially of magnesium sulphate, ferric chloride, extracts of plant drugs, including a laxative drug, a small proportion of salicylic acid, and water; that the Liberty Liniment consisted essentially of a petroleum distillate, such as kerosene, and a small proportion of methyl salicylate; that the Ru-Co Skin Remedy consisted essentially of methyl salicylate incorporated in petrolatum; that the Cly-Tone Tonic consisted essentially of magnesium sulphate, extracts of plant drugs, small proportions of salicylic acid, and an iron compound, and water; and that the Liberty Nerve and Gland Treatment consisted essentially of sodium bicarbonate (92 percent) and starch.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects appearing in the labeling, were false and fraudulent: (Liberty Tonic, bottle) "The Great Body Builder * * * Kidney and bladder Treatment A Remarkable Blood Purifier Directions: One or two tablespoonsful in one-half glass of water before meals, until bowels act freely, then regulate dose according to actions. Children $\frac{1}{4}$ to $\frac{1}{2}$ teaspoonful twice daily.", (Liberty Tonic, carton) "The Great Body Builder * * * Kidney and Bladder Treatment A Remarkable Blood Purifier * * * Indigestion * * * first aid to health for the Stomach, Blood, Liver or Kidneys.", (Liberty Liniment, bottle) "The Master of Pains For Relief of Pains, such as Rheumatism * * * Toothache, Lame Back and Sore Stiff Joints * * * Sore * * * Feet.", (Liberty Liniment, carton) "The Master of Pains such as * * * Toothache, Stiff, Sore and Swollen Joints, * * * Sore Feet, Lame Backs and a wonderful relief for Rheumatism * * * The Miracle Oil.", (Ru-Co Skin Remedy, jar) "Skin Remedy Pimples Bumps Itch, Eczema * * * After using three or four days, you may then use once a week if needed, until you are entirely well. Highly recommended for face blemishes, bumps, pimples * * * Skin Remedy * * * dependable skin remedy * * * Highly indicated in the treatment of itch, eczema, sore, tender and inflamed feet * * * itch between toes and fingers,

blotches on face and neck, old sores, tetter, * * * and skin complaints.", (Cly-Tone Tonic, bottle) "Cly-Tone Tonic * * * Made for Your Health * * * Cly-Tone is highly indicated in the treatment of chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver.", (Cly-Tone Tonic, carton) "Cly-Tone Tonic * * * Made for Your Health * * * Cly-Tone is highly indicated in the treatment of chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver. Indigestion * * * Cly-Tone first aid to health for the Stomach, Blood, Liver or Kidneys.", (Liberty Nerve & Gland Treatment, carton) "Nerve & Gland Treatment The Body Builder * * * Nerve & Gland Treatment Energy * * * Strength."

On September 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States attorney.

M. L. WILSON, *Acting Secretary of Agriculture.*

21557. Misbranding of Endazoin. U. S. v. 121 Small and 131 Large Tubes of Endazoin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30778. Sample nos. 42952-A, 42953-A.)

Examination of the drug preparation, Endazoin, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the tube and carton labels and in the circular shipped with the article.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 small tubes and 131 large tubes of Endazoin, in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about May 4, 1933, by the Ray Sales Co., from New York, N.Y., to Wilkes-Barre, Pa., that a portion had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Endazoin Company, Inc., New York City."

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc oxide (12 percent), salicylic acid (4 percent), and volatile oil such as turpentine oil (5 percent), incorporated in wool fat.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Tube label) "For Skin Eruptions * * * Eczema and Other Skin Affections", (carton label) "For Eczema, Salt Rheum, Psoriasis, Shingles, Pimples, Tetter * * * Herpes, Blotches * * * Rashes, Scaly Scalp * * * Chronic Sores * * * Wounds * * * And All Skin Itching And Irritation * * * Wonderfully efficient in treatment of pimples and other skin eruptions. * * * marvelous aid to skin health. * * * For The Treatment of Skin Eruptions * * * Eczema And Similar Skin Affections", (circular) "In the Treatment of Skin Eruptions, * * * Eczema * * * Pimples, Rashes * * * and Other Infections * * * may be used with absolute safety by anyone suffering from skin troubles in any form. * * * for the treatment of skin diseases * * * Any person who appreciates the dangers of skin infection * * * will quickly recognize the sanitary advantages afforded by Endazoin * * * In using Endazoin for the relief of general skin eruptions * * * the following treatment is recommended: Carefully bathe the affected parts with a pure soap and moderately hot water. Apply the water for several minutes in order to soften the scale encrusted surface of the skin, open the pores and allay the inflammation. * * * Apply a liberal amount of Endazoin * * * Repeat this application twice a day until irritation is relieved. * * * Eczema: Eczema is an inflammatory affection of the skin to which may be traced about 90% of all skin troubles. It usually makes its appearance in the form of a tiny red spot and may be confined to a limited area or rapidly spread over the entire body. It is usually characterized by small papules or vesicles, later developing into scaly, crusted patches, accompanied by itching and burning. So severe does the itching become that the sufferer frequently scratches the parts until they bleed. This itching, usually worse at night than during the day, causes loss of sleep, nervous disorders and a general run down condition. Bathe the affected parts in moderately hot water, using a pure soap, for the purpose of softening the

encrusted formations, cleansing the infected area and stimulating the skin. Remove the water by blotting or patting with a soft linen cloth. Cover the parts thoroughly with Endazoin. * * * This treatment should be repeated twice daily until relieved. Salt Rheum: One of the many forms of Eczema. * * * Psoriasis: One of the commonest of skin diseases. It makes its appearance in the form of small macules or pimples, in clusters or red patches, covered with silvery colored scales. * * * Shingles: An acute inflammatory affection of the skin, originating at the nerve centers, frequently occurring on the chest and sometimes on other parts of the body in the form of an eruption which usually assumes the appearance of a partial girdle. Sometimes it causes a dull aching or tingling sensation; again it becomes severe and is accompanied by great pain. The eruption usually occurs in three or four days after the first symptoms make their appearance. When the eruption is at its height, the pain usually gives way to itching and burning. Bathe the parts with warm water to which some weak antiseptic lotion has been added, such as boric acid or peroxide of hydrogen. Dry the skin by patting with a soft towel, apply a thick covering of Endazoin * * * Repeat treatment twice daily. * * * Pimples: This most common of all skin troubles is usually caused by poor blood, rich greasy foods, neglect of the skin, stomach disorders, sluggish bowels and germ infections. The eruption makes its appearance in the form of unsightly red pimples, usually centering around the hair follicles and oil ducts on the face, neck, and other parts of the body. Bathe the skin with hot water for ten minutes and dry thoroughly. With a sterilized needle open any large pimples which may have become matured and gently discharge the pus on a clean cloth. Then apply a liberal quantity of Endazoin, making sure that the affected surface is well covered. This should be done before retiring. In the morning, wash thoroughly with hot water and a pure soap. Rinse in cold water to close the pores and carefully dry with a soft towel. Repeat treatment each night until skin is cleared. * * * Tetter: A mild form of eczema. * * * Herpes: * * * Blotches and Rashes: These fiery red appearances on the skin are usually the result of poor blood, stomach disorders, rich, greasy foods, stimulants, indigestion and faulty elimination. * * * Scaly Scalp: The treatment for this trouble as well as that of Dandruff consists of washing the scalp and hair thoroughly with hot water and soap. Rinse well to eliminate all dirt, scaly formations and loose hair and cover the head with hot towels for the purpose of steaming the scalp and opening the pores. Then take a liberal quantity of Endazoin and massage it well into the scalp. * * * Repeat each night until relieved. * * * Hemorrhoids."

On August 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21558. Misbranding of Tee Tone Aspirin Tablets. U. S. v. 82 Tins of Tee Tone Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30758. Sample no. 42944-A.)

This case involved a shipment of aspirin tablets, the labeling of which bore unwarranted curative and therapeutic claims.

On July 22, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 tins of Tee Tone Aspirin Tablets at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by the Red Line Products Co., from Bush Terminal, Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in the following statements regarding the curative or therapeutic effects of the article, borne on the tin container, were false and fraudulent: "For relief of * * * Rheumatism * * * Lumbago, Sore Throat * * * Toothache, Earache, Influenza, Sleeplessness."

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21559. Misbranding of Texas Mineral Crystals. U. S. v. 70 Boxes, et al., of Texas Mineral Crystals. Decrees of destruction entered. (F. & D. nos. 30708, 30775, 30776. Samples nos. 42786-A, 42787-A, 57456-A.)

Examination of samples of Texas Mineral Crystals disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in a circular shipped with the article.

On July 10 and July 28, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 136 boxes of Texas Mineral Crystals at Kansas City, Mo., alleging that the article had been shipped in interstate commerce in part on or about June 8, 1933, by the Walgreen Co., from Chicago, Ill., and in part on or about June 10 and July 3, 1933, by the Dollar Crystal Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of crystallized sodium sulphate with small proportions of magnesium sulphate and sodium chloride.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Circular, one lot) "Constipation * * * Promote eliminative Processes * * * Repeat daily until elimination becomes regular. Rheumatism—Take a little more than ½ teaspoon of Texas Crystals in a large glass of water (preferably hot) half hour before breakfast. Repeat this 2 or 3 times a week. Put one full teaspoon into quart of water and drink during the day (preferably cold). Colds", (carton, all lots) "Health is Wealth", (circular, all lots) "Rheumatism. Repeat each morning until system is free from poisons. * * * It will cleanse the intestines promptly, clear the blood stream of poisons and neutralize acidity; it will * * * assist the liver and kidney to resume their normal functions, thus keeping the system in a healthy condition and defeating many of the most common ills of life. Rheumatism, auto-intoxication, Gastro-intestinal troubles, rebellious skin diseases, neuritis, high blood pressure, etc., resist the best therapeutic endeavors until the organs of elimination are caused to function efficiently."

The Dollar Crystal Co., Omaha, Nebr., filed a claim for 70 packages of the product admitting the allegations of the libel and consenting to the entry of a decree. On August 3, 1933, a decree of condemnation was entered against the said 70 packages containing a provision that the product might be taken down under bond to be properly labeled. The claimant, however, consented to the destruction of the product in this case and defaulted in the remaining cases. On September 25, October 25, and November 18, 1933, decrees were entered on all cases ordering the product destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21560. Misbranding of Epsom Salt Tablets Compound. U. S. v. 521 Bottles of Epsom Salt Tablets Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30890. Sample no. 42984-A.)

This case involved a product labeled to convey the impression that Epsom salt was its effective ingredient. Examination showed that each tablet contained approximately one-half grain of phenolphthalein, a tasteless drug which, with the aloin also present, would produce the principal therapeutic effect of the article. The two tablets recommended as a dose contained insufficient Epsom salt to have any appreciable laxative effect. The labeling also conveyed the misleading impression that the product was manufactured by the firm that had it on sale.

On August 10, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 521 bottles of Epsom Salt Tablets Compound at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about August 18, 1932, by the Devore Manufacturing Co., from Columbus, Ohio, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of phenolphthalein (0.54 grain per tablet), magnesium sulphate (Epsom salt, 4.5 grains per tablet), aloin, calcium carbonate, starch, and sugar.

It was alleged in the libel that the article was misbranded in that the statements on the bottle label and display carton, "Epsom Salt Tablets Compound", "To be used in place of the ordinary disagreeable Epsom Salts", "Two tablets as effective as a tablespoonful of Epsom Salt", were false and misleading. Misbranding was alleged for the further reason that the statement on the bottle label and display carton, "Sugar coated hence no bitter taste", was misleading, since it created the impression that the taste of the active ingredient, phenolphthalein, was disguised by sugar coating, whereas such was not the case, and for the further reason that the statement on the bottle label and display carton, "Penn Drug and Supply Co. 2 Lackawanna Ave., Scranton, Pa.", was misleading, since it created the impression that the article was manufactured by the firm named, at the address mentioned, when in fact it was manufactured by the Devore Manufacturing Co., at Columbus, Ohio.

On September 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21561. Misbranding of Licolin Cough Mixture. U. S. v. 40 Bottles of Licolin Cough Mixture. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30754. Sample no. 42939-A.)

Examination of the drug product, Licolin Cough Mixture, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label and in a circular shipped with the article. The carton label failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On July 24, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bottles of Licolin Cough Mixture at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about January 23, 1933, by MacAndrews & Forbes Co., from Camden, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including ipecac and licorice, ammonium chloride, alcohol (73 percent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the carton label failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "For the Relief of * * * Soreness of the Throat", (circular) "The Ancient Romans Cured Their Coughs With Lico and Now * * * So Can the Modern Man with Licolin. * * * Stopping a Cough. * * * to effectively cure coughs, soothe inflamed membranes and even help to build the brawny soldiers' bodies that marched to the siege. * * * the dependable remedy, * * * cough remedy * * * for the coughs and sore throats of today! Licolin * * * effective treatment for coughs, sore throat, distressing mucus which obstructs the bronchial passages and inflamed respiratory organs. * * * 'Keep your system in tone' * * * Its pure, healing licorice has a soothing effect on the stomach as well as on other organs of the body. It aids digestion by removing intestinal mucus. It tones up the system. It purifies the blood. It puts the body in a better condition to more quickly cast off a cold. * * * the most effective cough remedy * * * It relieves the pain and distress attending cough spasms, reducing their recurrence. It loosens objectionable and distressing mucus which obstructs air passages and clears the throat and bronchial tubes of harmful phlegm. It soothes the inflamed respiratory organs. * * * for relieving the violent and spasmodic coughs which often attack children, old people and convalescents. * * * reduces the coughing and induces a quiet normal sleep. * * * at the beginning of the attack * * * Coughs Give In To Licolin. * * * For the relief of * * * Soreness of the Throat * * * For relief from coughs * * * At bedtime a dose will usually prevent coughing during the night. * * * Coughs Give in To Licolin."

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21562. Adulteration and misbranding of Epsom salt tablets. U. S. v. 35,000 Epsom Salt Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30710. Sample no. 42925-A.)

This case involved a product described as Epsom salt tablets. Analysis showed that each tablet contained nearly one-half grain of phenolphthalein, which would be responsible for its therapeutic effect, rather than the Epsom salt present.

On July 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35,000 Epsom salt tablets at New York, N.Y., consigned in interstate commerce from Worcester, Mass., into the State of New York, alleging that the article had been shipped on or about November 10, 1932, by Brewer & Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brewer & Company, Inc., Worcester, Mass." and was invoiced as "Epsom Salt Tablets Spec."

Analysis of a sample of the article by this Department showed that it consisted essentially of 0.45 grain of phenolphthalein and 5.66 grains of Epsom salt per tablet.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Epsom Salt Tablets."

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21563. Misbranding of Yerbavida. U. S. v. 30 Packages of Yerbavida. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30749. Sample no. 38150-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 20, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 packages of Yerbavida at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 12, 1933, by the Yerbavida Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of *Ephedra californica*.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the package label and in a circular accompanying the article, were false and fraudulent; (Package) "Drink Your Way to Health * * * 'The Herb of Life' * * * Vitality! Youth! Beauty! Should begin to get results in 10 to 30 days. * * * Effects should be noticed in case of stomach trouble the second day after using. * * * It is especially beneficial in the treatment of kidney, bladder and stomach disorders, and their accompanying ailments. For sound, refreshing sleep. * * * Glands Must Be Fresh and Active The Endocrine Glands are the Alchemists which transmute chemical elements into physical stamina and mental power. The vital organs must be supplied with the all-important glandular hormones. Premature old age, disease, low vitality, fatigue—are the result of endocrine glands that have become sluggish. If you are showing signs of old age; if you are losing your buoyancy—your charm—personality—your manly vigor or your feminine magnetism—Begin To Drink Yerbavida! Prolonged acidity results in stomach, liver and bladder disorders—inflammation—ulcers * * * headaches * * * uric acid in the blood * * * constipation * * * and general fatigue, The Endocrine Glands cease to function properly and thus comes bodily decay and premature old age", (circular) "Vitality * * * Youth Beauty * * * The several thousand diseases of mankind may be reduced to either of two conditions—excessive acidity, or extreme alkalinity. * * * to counteract excessive acidity in the blood, and to aid Nature in restoring the balance in a natural manner. It is said that prolonged acidity results in 97% of the ills

that afflict mankind. Yerbavida is sold under * * * to relieve even the most stubborn cases of over-acidity. * * * Plant of Life. * * * Whenever these people were afflicted with stomach, kidney, bladder and other kindred troubles, they resorted to this kindly plant * * * For general nervousness and insomnia * * * This will insure you a night of restful sleep. * * * For sound, refreshing sleep."

On September 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21564. Adulteration and misbranding of Epsom salt tablets. U. S. v. 104 Cards, and 97 Cards of Epsom Salt Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30759. Sample nos. 43166-A, 43167-A.)

This case involved a product sold under the name of "Epsom Salt Tablets." Analysis showed that each tablet contained approximately one-fourth grain of phenolphthalein, a synthetic drug, which would be responsible for the principal laxative effect of the tablets. The declaration on the label of the presence of phenolphthalein, a comparatively unknown drug, did not correct the erroneous impression which the average purchaser would obtain from the general labeling that the article relied for its efficacy on the Epsom salt present. It was also labeled to convey the impression that it was a pharmacopoeial product, whereas the United States Pharmacopoeia does not recognize any product under the designation "Epsom Salt Tablets" or "Epsom Salt Laxative Tablets." The label bore unwarranted therapeutic claims.

On July 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 cards, to each of which were attached a number of envelopes containing Epsom salt tablets at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, by the Universal Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of 5.7 grains of Epsom salt and 0.22 grain of phenolphthalein per tablet.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (display card:) "Epsom Salt Laxative Tablets", (envelope), "Epsom Salt Tablets."

Misbranding was alleged for the reason that the statement on the envelope, "Epsom Salt Tablets", and the statements on the display card, "Epsom Salt Laxative Tablets", and "U. S. P. Standard Quality", were false and misleading, since the tablets were not composed exclusively of Epsom salt, but contained phenolphthalein, and the United States Pharmacopoeia does not recognize any article under either designation. Misbranding was alleged for the further reason that the statement on the display card, regarding the curative or therapeutic effect of the article, "A Digestive Aid", was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On August 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21565. Misbranding of hydrogen peroxide. U. S. v. 12 Dozen 4-Ounce Bottles, et al., of Hydrogen Peroxide. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30719. Sample no. 44602-A.)

This case was based on an interstate shipment of hydrogen peroxide, the labels of which bore unwarranted curative therapeutic claims.

On July 11, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen 4-ounce bottles, 12 dozen 8-ounce bottles, and 10 dozen 16-ounce bottles of hydrogen peroxide at Seattle, Wash., alleging that the article had been shipped in inter-

state commerce on or about June 27, 1933, by the Peroxide Manufacturing & Specialty Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements on the labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For Sore Throat * * * Abscesses, Boils, Pimples * * * for Indigestion."

On September 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21566. Adulteration and misbranding of sodium biphosphate. U. S. v. 180 Bottles of Sodium Biphosphate U. S. P. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30805. Sample no. 37527-A.)

This case involved a shipment of sodium biphosphate represented to be of pharmacopoeial standard, which failed to comply with the tests laid down in the United States Pharmacopoeia.

On or about August 2, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 bottles of sodium biphosphate at Perryville, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1933, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sodium Biphosphate U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and failed to comply with the tests laid down in the pharmacopoeia, since when dried to constant weight it contained not more than 93 percent of NaH_2PO_4 , it contained 0.4 percent water-insoluble matter, and contained chloride, per gram, equivalent to 1.5 cubic centimeters of fiftieth-normal hydrochloric acid, whereas the United States Pharmacopoeia provides that sodium biphosphate when dried to constant weight shall contain not less than 98 percent of NaH_2PO_4 , that it is freely soluble in water, and that it contain chloride, per gram, corresponding to not more than 0.2 cubic centimeter of fiftieth-normal hydrochloric acid.

Misbranding was alleged for the reason that the statement, "Sodium Biphosphate U. S. P.", borne on the label, was false and misleading.

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21567. Misbranding of white petroleum jelly. U. S. v. 176 Jars of White Petroleum Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30869. Sample no. 42983-A.)

This case involved a shipment of white petroleum jelly, the label of which bore unwarranted curative and therapeutic claims.

On August 7, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 jars of white petroleum jelly at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about February 9, 1933, by John Lecroy & Son, from Camden, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Family remedy for * * * Skin Diseases, Rheumatism, Swellings, Piles * * * Taken internally will relieve Coughs * * * Sore Throat, &c."

On August 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21568. Misbranding of Geuda Springs Crystals. U. S. v. 138 Packages of Geuda Springs Crystals. Consent decree of condemnation, with provision for release under bond for relabeling. (F. & D. no. 30718. Sample no. 57454-A.)

Examination of the Geuda Springs Crystals involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in the circular shipped with the article. Analysis showed that the article contained no sodium bromide, sodium iodide, or sodium baborate, three of the alleged ingredients.

On July 13, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 138 packages of Geuda Springs Crystals at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 10, 1933, by the Geuda Crystal Co., from Geuda Springs, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (92.6 percent), with small proportions of sodium sulphate, magnesium sulphate, and calcium sulphate, and a trace of a phosphate.

It was alleged in the libel that the article was misbranded in that the statements in the circular, "Sodium Bromide", "Sodium Iodide", and "Sodium Baborate", were false and misleading, since analysis showed no iodides, bromides, or borates present. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Internal Cleanliness * * * Constipation, due to unbalanced diet, unnatural habits of living, and improper exercise inhibits the normal function of the eliminative organs, and results in * * * Stomach Trouble, Liver and Kidney Disorders Hyperacidity Bilioussness * * * Sore Throat Neuritis Arthritis Rheumatism Sinus Trouble Sallow Complexion Foul Breath * * * Eczema and Other Skin Troubles and other ills due to internal toxic poisoning. Geuda Springs Crystals relieve constipation in the Natural way, without discomfort, not simply as a purgative, but as a Healing Corrective Tonic and aid in correcting and preventing disease and ill health. A Wonderful Remedy For Obesity (Excess Fat) * * * As A Tonic: * * * For Obesity (excess fat): * * * Healing", (circular) "For Internal Cleanliness * * * Healing Waters. Constipation is the curse of modern life. Unnatural habits of living, unbalanced diet, improper exercise and high nervous tension all conspire to inhibit the proper functioning of the eliminative organs. Poisons generated by undischarged feces in the lower intestines are carried by the blood stream all over the body. The flow of bile is impeded, resulting in bilioussness; food, delayed in the stomach, sours and stagnates. Nature tries to carry off these unnatural poisons, through the kidneys, lungs and skin, with the result that the extra burden thrown upon those organs induces an unfavorable reaction due to extra exertion. The additional and unnatural efforts of the lungs that throw off the poisons produce foul breath, colds, sinus trouble, and sets up a fertile field for pneumonia, tonsillitis, bronchitis and pulmonary tuberculosis. The over-exertion of the skin to assist nature in discarding the toxins cause offensive bodily odors, sallowness, rough, pimply and harsh skin. The kidneys being called upon to do more than their share of the work, easily break down, become inflamed and painful and, in turn, become clogged, throwing more poison into the blood stream. Thus does the demon Constipation leave an ever widening trail of wreck and ruin in its wake. Geuda Springs Mineral Crystals correct faulty elimination, and its resultant evils, in a Constructive way,—not as a harsh and violent physic, but as a mild, pleasant laxative-tonic, which allays irritation and congestion, and by aiding—not forcing nature. The action of the naturally blended minerals of Geuda Springs Crystals is healing, soothing and curative, and not merely purgative * * * prescribed for a variety of ailments. Sodium Chloride: antiseptic * * * tonic * * * Used internally, * * * stimulates the function of the stomach, and helps cleanse the bowels. Used externally, * * * healing * * * inhalant for inflammatory conditions of nasal sinuses. As a tonic it assists in restoring normal functions in both constipation and dysentery. Calcium Sulphate is a recognized prophylactic and is used in cases of influenza, scrofula, carbuncles, fevers, measles, inflammatory diseases of the air passages. It is used in treatment of acne, small pox and erysipelas. Magnes-

ium Sulphate * * * internal use * * * lead poisoning, fevers and other inflammatory affections. * * * healing in cases of * * * crehitis, arthritis and all painful inflammatory conditions. Magnesium Chloride is useful in neutralizing uric acid * * * as an appetizer in cases of dyspepsia. Calcium Bicarbonate * * * Used internally, it neutralizes the surplus acid, and assists the kidneys * * * It contains tooth-building material, and increases the coagulability of the blood. It is also extensively used for * * * ulcers, chronic eczema * * * Potassium Sulphate * * * stimulant to the action of the stomach, intestines and kidneys. Sodium Phosphate * * * antilithic * * * It stimulates the biliary secretions * * * in cases of uric acid diathesis, chronic rheumatism, jaundice. Because of its action upon the gall, and stimulation of the secretion of bile, it tends to prevent gall stones. It is also prescribed in cases of nervous impairment and psychic depression. Sodium bromide, * * * widely used in cases of epilepsy, headache, hysteria, nymphomania, satyriasis, delirium tremens, insomnia and nervousness. Sodium Iodide is frequently prescribed for rheumatism, pneumonia, tertiary syphilis, asthma, chronic bronchitis, hepatic cirrhosis, angina pectoris, scrofula, etc., because of its less effective action on the heart than other drugs used for the same purpose. Sodium Biborate * * * antiseptic * * * antiepileptic action. It is used internally for cystitis, gastritis, diarrhea, amenorrhea, dismenorrhea, uric acid diathesis, and epilepsy. Externally, it is used for skin diseases, sore mouth, conjunctivitis, urethritis * * * Sodium Nitrate is indicated for angia pectoris, dropsy, asthma, epilepsy, hemiparesis, suppression of urine, and various diseases of the genitive and urinary organs. * * * antiseptic action. Its internal uses are chiefly for * * * gout, articular rheumatism * * * dyspepsia, diphtheria, pneumonia, membranous croup, diabetic coma, etc. Externally it is used as a dressing for * * * wounds, ulcers and all conditions due to acid poisoning. Sodium sulphide * * * antiseptic * * * used in cases of infectious diseases, and, externally for skin diseases * * * Lithium Chloride * * * antilithic * * * in the treatment of epilepsy, herpetic diseases, rheumatism, gout and arthritis. Iron Bicarbonate * * * tonic. * * * healing and effective * * * 'Healing Waters', * * * highly effective * * * If you cannot come to the Springs, we send the Springs to you. Obesity (Excess fat) Surplus flesh, to say the least, is undesirable. A reasonable amount of fat is essential, as a storage of energy and a protection to the muscular tissue against sudden changes in temperature. But too much fat is not only annoying and unsightly, but is positively dangerous. It is the person afflicted with obesity who is most subject to apoplexy, Bright's diseases and various forms of heart trouble. * * * Geuda Springs Crystals, in addition to the many other benefits, extract the fat-producing elements of the body by osmosis, and neutralize and counteract the surplus of carbohydrates, thus checking the accumulations of fatty tissue, while equalizing acids and relieving faulty elimination. Adding about four table-spoonsfuls of Geuda Springs Crystals to one gallon of water, and drinking five or six glasses a day, has proven, to many, an effectual remedy for excess fat", (testimonial in circular) "I have seen hundreds of people afflicted with skin diseases, rheumatism, liver trouble and * * * greatly benefitted by the use of these waters. I have seen dozens of people taken to Geuda Springs so drawn with rheumatism that they could hardly walk, and in thirty days have seen them go home cured. * * * these waters can be sent to you in crystal form."

On August 16, 1933, the Geuda Springs Co., Arkansas City, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. The decree provided that the product might be released to the claimant upon the execution of a bond in the sum of \$100, conditioned that it be relabeled in a manner not in conflict with the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21569. Misbranding of aspirin tablets. U. S. v. 684 Tins and 1,191 Tins of Certified Aspirin Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30760, 30761. Sample nos. 42938-A, 42946-A.)

These cases involved shipments of aspirin tablets, the labels of which bore unwarranted curative and therapeutic claims.

On July 20, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the district court libels praying seizure and condemnation of 1,875 tins of certified aspirin tablets at Scranton, Pa., alleging that the article had been shipped in interstate commerce in various consignments, on or about February 1, May 3, and June 22, 1933, by the Sunshine Pharmaceutical Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was misbranded in that the following statements, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Toothache * * * Antiseptic Gargle, Pain, Sciatica, Lumbago, Rheumatism", (tin container) "To prevent gastric disturbances."

On August 16, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21570. Misbranding of Velvetol. U. S. v. 399 Jars of Velvetol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30753. Sample no. 42942-A.)

Examination of the drug product, Velvetol, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 25, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 jars of Velvetol at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 18, 1933, by the Bunny Drug Co., through the Biddle Purchasing Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Velvetol * * * Relgah Laboratories, New York, N.Y."

Analysis of a sample of the article by this Department showed that it was white petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Jar label) "Remedy for * * * Wounds * * * Will relieve * * * Sore-throat."

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21571. Misbranding of aspirin tablets. U. S. v. 468 Tins of Ideal Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30803. Sample no. 43346-A.)

This case involved a shipment of aspirin tablets, the label of which bore unwarranted curative and therapeutic claims.

On August 1, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 468 tins of Ideal Aspirin Tablets at West New York, N.J., alleging that the article had been shipped in interstate commerce on or about June 15, 1933, by Blackman & Blackman, Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton, were false and fraudulent: "For * * * Toothache * * * Antiseptic Gargle, Rheumatism, Sciatica, Lumbago, Pain."

On September 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21572. Misbranding of ichthyol ointment and mentholated ointment. U. S. v. 141 Tubes of Ichthyol Ointment, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30799, 31818, 31819. Sample nos. 42956-A, 51559-A, 51560-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of pro-

ducing certain curative and therapeutic effects claimed in the labeling. It was claimed in the labeling that the articles conformed to the United States Pharmacopoeia and National Formulary, whereas in neither of these authorities are ichthyol ointment or mentholated ointment recognized.

On August 1, 1933, and January 9, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 281 tubes of ichthyol ointment and 68 tubes of mentholated ointment in part at Scranton, Pa., and in part at Wilkes-Barre, Pa., alleging that the articles had been shipped in interstate commerce by the Petrolene Laboratories; that 141 tubes of the said ichthyol ointment had been shipped on or about July 7, 1933, from Brooklyn, N. Y.; and that the remainder of the ichthyol ointment and the mentholated ointment had been shipped on or about November 21, 1933, from New York, N. Y., and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the ichthyol ointment consisted essentially of sulphonated bitumen incorporated in petrolatum, and that the mentholated ointment consisted essentially of menthol incorporated in petrolatum.

It was alleged in the libels that the articles were misbranded in that the statement on the carton, "We guarantee each ointment to be strictly U. S. P. or N. F. and will assume responsibility on this item", was false and misleading, since neither in the United States Pharmacopoeia nor in the National Formulary are ichthyol ointment or mentholated ointment recognized. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Ichthyol ointment, tube and carton) "A remedy for eczema, acne, itch, boils, carbuncles, and kindred skin infections"; (mentholated ointment, tube and carton) "Very effective for Nerves."

On August 23, 1933, and January 30, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21573. Misbranding of Vermilax. U. S. v. 35 Bottles of Vermilax. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30781. Sample no. 42929-A.)

Examination of the drug preparation Vermilax disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 28, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bottles of Vermilax at Scranton, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about May 27, May 29, and June 10, 1933, by the Biddle Purchasing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground kamala and a small proportion of starch suspended in a mixture of water and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and wrapper, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Vermilax supreme worm remedy * * * Removes all stomach and intestinal worms in half an hour", (wrapper) "Vermilax * * * Supreme worm remedy * * * removes tape worms, round worms and all other stomach and intestinal worms in dogs in half an hour."

On August 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21574. Misbranding of Vita Oil. U. S. v. 45 Small and 23 Large Packages of Vita Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30828. Sample nos. 31672-A, 31673-A.)

Examination of samples of the drug preparation Vita Oil disclosed that the article contained no ingredient or combination of ingredients capable of pro-

ducing certain curative and therapeutic effects claimed on the bottle and carton labels.

On August 7, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 small and 23 large packages of Vita Oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1932, by the Lawson Transfer & Storage Co., from Rockford, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mineral oil such as kerosene, a fatty oil, turpentine oil (5.8 percent), and a trace of mustard oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Vita Oil is Especially Recommended in the Treatment of the Following: Sore Throat, Bronchitis, Coughs * * * Sore feet Stiff Neck * * * Vita Oil is Recommended for Neuritis, Sciatica, Lumbago * * * Rheumatism, Arthritis, Pain, Stiffness, Soreness in the joints * * * will assist in banishing inflammation, soreness and pain * * * healing * * * tending to relieve congestion", (bottle) "Relieve congestion, pain and inflammation, whether due to * * * contracted cords and muscles, or swollen, stiff and lame joints * * * for best results."

On September 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21575. Misbranding of Baume Analgesique. U. S. v. 79 Tubes of Baume Analgesique. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30807. Sample no. 42951-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 tubes of Baume Analgesique, in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about May 19, 1933, by the American Pharmaceutical Co., Inc., from New York, N. Y., to Wilkes-Barre, Pa., that a portion had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of menthol (23.4 percent) and methyl salicylate (0.5 percent), incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Tube) "To relieve pain in treating sciatica, rheumatism, neuritis", (circular) "Relieves aches and pains * * * aching feet * * * asthma and hay fever * * * bronchitis, relief in the dry state of bronchitis * * * bunions * * * cough * * * croup * * * earache * * * below the superficial epidermis to the congestion which is the cause of pain * * * by penetrating to the seat of congestion builds up the circulation and relieves the pain as the blood flows freely again carrying away the poisonous substances and removing the pressure. Congestion is the cause of almost every ache and pain directly or indirectly * * * back-aches * * * cause congestion, immediately relieving that congestion as nature does herself but much more slowly is the main purpose of Baume Analgesique. Frost Bite * * * Neuritis, Sciatica * * * the aching area. * * * Rheumatism, Gout * * * where the pain is severe. Sore Throat * * * Stiff Neck * * * Tonsillitis * * * Toothache."

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21576. Misbranding of Salomint Dental Cream. U. S. v. 23 Gross Packages of Salomint Dental Cream. Product ordered released under bond to be relabeled. (F. & D. no. 30889. Sample no. 49457-A.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and tube labels.

On August 10, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 gross packages of Salomint Dental Cream at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the New England Collapsible Tube Co., from New London, Conn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sal-O-Dent Laboratories, Inc., Pittsburgh, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, magnesium hydroxide, sodium chloride, soap, and water, with flavoring and coloring material.

It was alleged in the libel that the article was misbranded in that the following statements, regarding its curative or therapeutic effects, were false and fraudulent: (Carton) "In the compounding of Salomint milk of magnesia is delightfully blended with pure salt. Salt has been prescribed by the dental profession for the past fifty years as the simplest and best remedy for soft flabby gums which very often ends in pyorrhea * * * protect their gums with salt and be assured of healthy teeth * * * if gums are normal use salomint twice daily, if gums soft and receding use three times daily until normal condition arises", (tube) "For Normal gums use twice daily. For tender bleeding gums use three times daily until normal condition results."

On August 21, 1933, the Sal-O-Mint Laboratories, Inc., St. Louis, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the claimant to be relabeled, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21577. Misbranding of Murrmann's Compound. U. S. v. 6 Bottles of Murrmann's Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31085. Sample no. 45961-A.)

Examination of the drug product Murrmann's Compound disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article.

On September 13, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six bottles of Murrmann's Compound at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about July 7, 1933, by the Murrmann's Compound Manufacturing Co., from Danville, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Murrmann Compound Laboratories, Danville, Illinois."

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of creosote and iron chloride and large proportions of sugar, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "We hereby guarantee that this compound is not adulterated. All drugs actually used in making are under the Federal Food and Drugs Act, June 30, 1906", was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For functional Disorders of the Lungs and all ailments arising from Coughs and Colds. * * * For the Lungs, Bronchitis, Asthma, and Minor Affections of the Throat and Head. * * * For Functional Disorders of the Lungs and all ailments arising from Coughs and Colds", (bottle label) "For Functional Disorder of the Lungs and All Ailments Arising from Coughs and Colds. * * * Directions For Adults—Severe cases of Lung trouble, Asthma and Bronchitis, take 2 tsp. 4 times a day about 3 hours apart. For Colds, 3 times a day. Small dose during night if needed. Do not

drink water after medicine. For Children with fever, 2 tsp. 3 times a day till fever is broken, then 1 tsp. 4 times a day till well", (circular) "For Functional Disorders of the Lungs And All Ailments Arising from Coughs and Colds. * * * Just a Cough, But He Died. A man died in Danville the other day from Tuberculosis. But the history of the case showed it all started with a cough that was neglected, went down and hung on. This Danville man is only one of thousands who die in the same way—all unnecessary. Any doctor will tell you that tuberculosis, taken in time, is curable in almost every case. He will also tell you that if not taken in time, you are doomed. Don't neglect that deep cough. Begin now with Murrmann's Compound, the approved and effective formula for lung coughs, asthma, bronchitis and all diseases of the respiratory organs. * * * Notice!—Notice! In case of severe Lung Trouble, remember Murrmann's Compound is a Lung Medicine and do not stop until you have taken several bottles. By that time you will find that your lungs are greatly improved. Keep right on until you are well. * * * Lung Sufferers! Bronchitis And Asthma Sufferers! * * * The Wonder Of The World. * * * Beware! The cough or cold that hangs on is a danger signal and leads to Lung Trouble, Asthma, Bronchitis, Catarrh of the head and all other respiratory diseases. You can stop them now with * * *. A Sure Relief For These Ailments. A medical Discovery with immediate results and actions, which soothes and heals the infected membranes and attacks the seat of the trouble. The growth of the germs are checked. It goes into the stomach and is absorbed in the blood and soothes and heals the inflamed throat, lungs and bronchial tubes and builds up the system. * * * 125,000 Die Every Year With T. B. Take Murrmann's Compound And Heal Up Your Lungs. It is A Well Known Fact That Murrmann's Compound Has Produced Some Very Marvelous Effects In Tuberculosis. * * * children like to take. It helps to get that wonderful appetite and build rich, red blood; keeps them growing, strong and healthy. * * * Pneumonia is a dangerous sickness caused by coughs or colds. You may stop all this by taking a few doses of Murrmann's Compound. Stricken With Cough And Asthma. Two years ago I was stricken with Flu, which caused and resulted in a violent cough and Asthma. I was all run down in health in every way, had my tonsils removed, my Lungs X-rayed and everything done possible with little or no results. I was persuaded by a friend who had used this wonderful treatment to give it a trial. I used 6 bottles. Truly I was practically cured so I worked last year, but being a steam shovel man when exposure was put on me getting my feet wet. It returned in October again. So I tried the Doctor again with still no results, so I went back to Mrs. Murrmann's Compound again and am fully convinced If I keep taking I will get cured * * *. Had Been Home 5 Weeks—Gained In Weight I can't praise Murrmann's Compound enough for what it has and is doing for my girl. She had always been sick with lung trouble, and the past summer was down. The doctors told me she might die any time, that there was nothing they could do. Then I heard about Murrmann's Compound and thought I would give it a trial. She began taking it at Christmas and was able to go to school again after the Christmas holidays. Now the swelling has all left her and she has gained in weight. * * * Bad Case Of Lung Trouble. I was in the printing shop when my lungs became affected. I kept getting worse till I became bedfast. I lost my voice and thought it was my last days. When my boss in the printing shop brought me a bottle of Murrmann's Compound I did not see much change on the first bottle but mother said it was only another chance and bought another bottle. My voice came back and by the time I took six bottles I was able to go back to work but it was too hard so got outside work. Now I am back at my old job and feeling fine. * * * Saved My Baby. * * * I wish to express the help received from your wonderful remedy. My 13 months old baby had measles and whooping cough which settled on his lungs. My mother recommended Murrmann's Compound. It sure helped him. Now after two bottles he eats anything, walks, sleeps, and is a big fat baby. We had him examined just about every two weeks and the Dr. always says he was improving. At last the Dr. said his lungs were entirely healed. My children all had the flu, all I gave them was your medicine. They are all fine healthy children. * * * Had Bronchitis For Twenty Years. In the year of 1924 I became seriously ill from the effects of Chronic Bronchitis. I had been ailing with it for twenty years. Every winter I would be sick most of the time. A lady brought me a trial bottle of Murrmann's Compound and it helped me so much I got another bottle.

I have taken four bottles and now I am a well woman and can say it is the only medicine I ever took that did not hurt my stomach. I am 69 years old and can do as much work as any ordinary person. * * * Run Down Condition. Good health is appreciated by most of us. Most babies are born healthy. But some get in a run down condition—one or two bottles of Murrmann's Compound will get them over their troubles and start them right. The childhood of every race must be safeguarded, for races move on the feet of little children. Would You Like To Be Free From Lung Troubles? * * * The Wonder Of The World. * * * Killed By A Cold. Not at once, of course, but thousands die annually because a cold hung on and they couldn't shake it. That's the trouble with a cold. It seems like such a little thing, but if it gets to your lungs and sticks you are in a peck of trouble. Right now is the time to stop fooling with simple home methods and start a real healing agent to work. A doctor's prescription acknowledged by all authorities as a great healer, combined with other healing drugs, forms Murrmann's Compound, the wonderful new remedy that has made such a stir. Murrmann's Compound attacks the germs, heals the inflamed tissues and builds up the entire system. Also very beneficial for bronchial coughs and asthma. Pneumonia is a sickness caused by catching cold and it develops into a high fever and can be prevented by having a bottle of Murrmann's Compound on the shelf and giving a few doses. It will not take more than 2 or 3 doses to break any cold just caught. Doctor Advised Staying In Bed. Four years ago I was running a temperature from my Lungs. Doctor advised staying in bed which I felt impossible to do with my four children. My friend Mrs. R. R. Redenbaugh persuaded me to try Murrmann's Compound, as it had cured her boy's lungs when they were in bad shape. I found an improvement, in a short time I got up but was very careful and kept taking the medicine and kept on improving. Never had a temperature since and the least sign of weak, run down condition, I start on the medicine which I find is fine for tonic and is strengthening. Also I found it a good remedy for the entire family. * * * A year ago this July while I was going up town I was caught in a rain. I took cold, settled on my lungs and I began to lose in weight. Couldn't eat or sleep. After about 8 or 10 months I had my lungs examined and found them in a very bad condition. Doctors advised me to go to bed for two years. I was bedfast three months when I remembered seeing Murrmann's Compound advertised in the Commercial-News. I took two samples within a week. I noticed a change for the better. Have taken five bottles, now I am able to work, go anywhere, enjoy myself, eat, sleep, haven't that tired feeling any more. * * * One-Half Bottle Took Pressure Off My Chest. I could not eat or sleep, was real sick. Hadn't worked for 16 months. I had a heavy pressure on my chest. My stomach was all out of order. In fact I was in a run-down condition. I spent lots of money on Doctors and medicine but nothing done me any good until I took Murrmann's Compound. I have taken 3 bottles. I am entirely well. * * * Almost Lost My Baby. My seven months old baby was in a run down condition from the effects of Pneumonia fever; she was real sick. I had a bottle of Murrmann's Compound. I began giving it to her, and it helped her right away. Now she has taken about a bottle and is in a healthy condition and stands up. Has gained in weight considerable. * * * Bad Case of Lung Trouble. 1925 I coughed all summer and winter. Tried everything I could hear of but nothing done me any good. I weighed two hundred pounds when I took sick. I went down to 170 and the doctor sent a test to Springfield and when I went to see him he said I have bad news for you, the report said you have T.B. The doctor treated me for awhile but I go no better so I heard of Murrmann's lung medicine. I asked the doctor about trying it. If it don't help you, come back and let me know, he said. I started taking Murrmann's Compound and I saw it was doing me good, so in 1926 I sent another test to Springfield and the report said there was no T.B. germs found and I am working now and gaining in weight so I will praise Murrmann's Compound for my life. I do believe I would have been dead before this time if I hadn't took Murrmann's Compound. * * * Nervousness. For several months I had almost been a nervous wreck, and I began to take Murrmann's Compound. Before I had taken my first bottle I had begun to eat and gain in weight. I gained eight pounds when I had finished my second bottle. I cannot recommend Murrmann's Compound too highly. I am still gaining in weight, and feel better than I have for several years. If you are all run down, feel tired and worn out, just try a bottle of Murrmann's Compound and see what results

you will receive. * * * Was Ordered Not To Go To School. My boy's lungs were in bad shape. He was bedfast for 11 weeks and was ordered not to go to school during the balance of the term. One of our neighbors told us about Murrman's Compound and we began giving it to him. He commenced to gain at once. After taking two bottles he gained ten pounds. He returned to school after Christmas and continued to improve right along. The following spring we took him to a doctor and had his lungs examined and found that they were entirely healed. With the hope that this will encourage others who might be suffering from a similar complaint, I am gratefully yours. * * *

It is indeed a great pleasure for me to tell how miraculously I was relieved of Asthma. I had the Asthma for years. Many nights I had to get out of bed and sit in a chair the remainder of the night because I absolutely could not breathe lying down. This naturally tore my health down in general. I tried all the so-called cures for Asthma but could get only temporary relief. Someone told me of Mrs. Murrmann's Compound. The first dose relieved the tightness in my throat and soothed the irritation. After taking a few bottles the Asthma left me entirely. That was two years ago and I have never had an attack since. Since then I have told many friends suffering from lung troubles, bronchitis, asthma, influenza, about the Compound. I have never seen a case where it failed to give relief if taken according to directions. My wife keeps a bottle of Murrmann's Compound on hand in case of some member in the family has an attack of cold or sore throat. * * *

I Was In Bad Shape—I Am Well Now—Gaining In Flesh. Last fall I was away for four months on account of my lungs. I gained in weight, but lungs did not seem to get any better, and last March something went wrong with my stomach. I began to lose weight, so I came home and got down in bed. After about a month I began taking Murrmann's Compound, have taken four or five bottles and since taking it have had my lungs examined by two Doctors and found them in good shape. Not satisfied I have had them ex-rayed and was told that my lungs were entirely well. I am gaining in weight. I weigh 150 pounds. I still take Murrmann's Compound and give it to my whole family. If you wish to know more, send stamped envelope to 812 Johnson St., Danville, Ill. * * *

I wish to tell the people what Murrmann's Compound has done for my family. My children were always ailing with some little children troubles such as colds, fever, sore throat, coming home sick from school. Now I just give them a few doses of Murrmann's Compound. * * *

It is indeed a pleasure to tell what your medicine did for me. I took the influenza and called the Doctor and he told me to stay in bed as long as I had any fever. I took one bottle of Mrs. Murrmann's Compound. I called the Doctor in again and he said my lungs were clear and I have not any more Flu. I got up and was able to do my work, and was over the Flu all in one week's time, I didn't cough any and it kept my fever down and I want anybody that takes the Flu, to get a bottle of Mrs. Murrmann's Compound. * * *

For Functional Disorders of the Lungs, Bronchitis, Asthma, Catarrh of the Head and All Ailments Arising from Coughs And Colds."

On October 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21578. Adulteration and misbranding of tincture digitalis. U. S. v. Elmira Drug & Chemical Co. Plea of guilty. Fine, \$600. (F. & D. no. 30151. Sample no. 8274-A.)

This case was based on an interstate shipment of tincture digitalis represented to be of pharmacopoeial standard, which was found to have a potency of approximately 30 percent of that prescribed by the United States Pharmacopoeia for tincture of digitalis. The article contained much more alcohol than was declared on the label.

On May 15, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27, 1932, from the State of New York into the State of Pennsylvania, of a quantity of tincture digitalis that was adulterated and misbranded. The article was labeled in part: "Tinct.

Digitalis Poison Contains 48 percent Alcohol * * * Guaranteed by Gerity Bros. Drug Co. under Food and Drugs Act, June 30, 1906, Serial No. 11398 Gerity Brothers Drug Company * * * Elmira, N.Y."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, in that the article, when injected into the ventral lymph sac of a frog, had a potency for each gram of body weight of frog of not more than 30 percent of the minimum systolic dose required by the pharmacopoeia for each gram of body weight of frog.

Misbranding was alleged for the reason that the statements, "Contains 48 percent Alcohol * * * Guaranteed by Gerity Bros. Drug Co. under the Food and Drugs Act, June 30, 1906, Serial No. 11398", borne on the bottle label, were false and misleading, in that they represented that the article contained 48 percent of alcohol and conformed to the provisions of the Federal Food and Drugs Act, whereas it contained not less than 72.8 percent of alcohol by volume and did not conform to the provisions of the Federal Food and Drugs Act. Misbranding was alleged for the further reason that the article contained alcohol and the label on the bottles failed to bear a statement of the quantity and proportion of alcohol contained in the article.

On September 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company. On October 12, 1933, the court imposed a fine of \$600.

M. L. WILSON, *Acting Secretary of Agriculture.*

21579. Adulteration and misbranding of solution posterior pituitary. U. S. v. G. W. Carnrick Co. Plea of guilty. Fine, \$100. (F. & D. no. 30239. Sample no. 9548-A.)

This case was based on an interstate shipment of solution posterior pituitary which was represented to be of pharmacopoeial standard but which was found to possess approximately one-fourth the minimum potency of solution posterior pituitary as defined in the United States Pharmacopoeia, Tenth Revision.

On September 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. W. Carnrick Co., a corporation, Newark, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 1, 1932, from the State of New Jersey into the State of Massachusetts, of a quantity of solution posterior pituitary that was adulterated and misbranded. The article was labeled in part: (Large carton) "Solution Post. Pituitary (Liquor Pituitarii) Prepared and physiologically assayed according to the U.S.P.X. G. W. Carnrick Co. * * * Newark, N.J.", (individual ampoule carton) "Sol. Post Pituitary (Liquor Pituitarii) Assayed by Method of U.S.P.X.", (circular) "This solution is standardized by the method prescribed by the United States Pharmacopoeia. They are of constant and dependable activity and are equal to U.S.P.X. Requirements."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation in that 1 cubic centimeter of the article corresponded to not more than 0.001 gram of standard powdered pituitary, whereas the pharmacopoeia provides that 1 cubic centimeter of solution posterior pituitary shall correspond to not less than 80 percent of the activity produced by 0.005 gram of the standard powdered pituitary; and the strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be Solution Posterior Pituitary prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, and equal to the requirements of the said pharmacopoeia, whereas it was not prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, and was not equal to the requirements of the said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Solution Post, Pituitary (Liquor Pituitarii) prepared and physiologically assayed according to the U.S.P.X.", borne on the large carton, the statements, "Sol. Post.

Pituitary (Liquor Pituitarii) Assayed by Method of U.S.P.X.", on the small carton, and the statements, "This solution is standardized by the method prescribed by the U.S. Pharmacopoeia * * * They are of constant and dependable activity and are equal to U.S.P.X. requirements", contained in the circular, were false and misleading, since the article was not prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, it was not standardized by the method prescribed by the said pharmacopoeia, and it was not equal to the requirements thereof.

On October 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21580. Misbranding of Dr. M. Hermance's Asthma and Hay Fever Medicine. U. S. v. 32 Bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 27700. I. S. no. 21537. S. no. 5780.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On February 10, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by Claude A. Bell, from Lowell, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, extracts of plant drugs, including licorice and lobelia, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "Asthma * * * And Hay Fever Medicine", (on design of bell) "* * * Asthma Medicine * * * Used in Asthma and Hay Fever. This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely * * * Hay Fever—One half to one teaspoonful four times a day. For best results, the treatment should be started six weeks before Hay Fever period. * * * helpful in catarrhal conditions * * * It cuts the phlegm and helps to clear the bronchial tubes.' Directions Dose for Adult—For Asthma first two days, one-half teaspoonful, four times a day after meals, and on retiring; then increase dose to one teaspoonful, four times a day. If you have a bad attack, take the medicine every twenty minutes, increasing each dose. * * * Use * * * Asthma & Hay Fever Medicine as directed other wise the good effects of a food medicine may be lost", (carton) "Asthma and Hay Fever Medicine", (on design of bell) "Asthma Medicine These distressing ailments have in this prescription a prompt and effective remedy for relief. * * * Brings Quick Relief To Sufferers From Asthma and Hay Fever This Medicine is a Body Builder Also Used For Catarrhal, Bronchial and Heart Trouble With Best Of Results Good For The Whole Family For Coughs * * * And All Bronchial Troubles", (circular) "That Terrible Disease Asthma * * * Asthma and Hay Fever Medicine A medical compound which, when properly and perseveringly used, has been found helpful in the treatment of Asthma and Hay Fever. As these disorders are of a persistent nature, a person suffering from them must be equally persistent. * * * Directions Dose for Adult—For Asthma, first two days, one-half teaspoonful, four times day, after meals, and on retiring, then increase the dose to one teaspoonful, four times a day. If you have a bad attack take the medicine every twenty minutes, increasing each dose up to two teaspoonfuls. Until relieved", (design on bell bearing the words "Asthma Medicine") "Hay Fever—One half to one teaspoonful four times a day. You should start treatment six weeks before period. For Catarrhal Conditions * * * This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely. * * * 'This medicine has been found helpful in Catarrhal Conditions * * * It cuts the phlegm and helps to clear the

Bronchial tubes.' Use Hermance's Asthma & Hay Fever Medicine as directed, otherwise the good effects of a good medicine may be lost." (Similar statements made in foreign languages.)

On March 25, 1932, Claude A. Bell, Lowell, Mass., appeared as owner and claimant and filed an answer denying the misbranding charge. On September 15, 1933, the claim and answer were withdrawn, and judgment was entered by the court condemning the product and ordering its destruction.

M. L. Wilson, *Acting Secretary of Agriculture.*

21581. Adulteration and misbranding of Nu-Vita Yeast. U. S. v. 20 Sacks of Nu-Vita Yeast for Livestock and Poultry. Default decree of forfeiture and destruction. (F. & D. no. 30598. Sample no. 22247-A.)

This case involved a product labeled to convey the impression that it consisted essentially of yeast. Examination showed that the article consisted largely of corn meal, with a small amount of barley and an unimportant proportion of yeast present. The article would not make feed more available in stock and poultry production as claimed, and contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 26, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of Nu-Vita Yeast for Livestock and Poultry at New Richmond, Wis., alleging that the article had been shipped in interstate commerce on or about May 23, 1933, by the George D. Miller Co., from Waterloo, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of corn meal, with small proportions of a barley product and yeast. The yeast constituted approximately 1 percent of the product.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to food in that a substance, corn meal, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article, considered as a food, was alleged for the reason that the statements, "Nu-Vita Yeast for Livestock and Poultry * * * Nu-Vita Stock Yeast The Utmost in Feeding Value for Livestock and Poultry. * * * Nu-Vita Yeast * * * When allowed to thoroughly ferment the unavailable proteins are released, fibrous matter reduced, and the animal receives more from the feed in this method than any other manner", were false and misleading, since it would not produce the results claimed and since it consisted essentially of corn meal, with small portions of a barley product and approximately 1 percent of yeast.

Misbranding was alleged under the provisions of the law relating to drugs in that the following statements, borne on the directions card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White Diarrhea And Coccidiosis. Remove all other feed. Mix 2 pounds of Nu-Vita Yeast to every 100 pounds of feed or mash. Ferment 24 hours with luke warm water. Reduce moisture by mixing with just enough dry mash to make the ration crumbly. Feed enough to keep them a little hungry. Necro and Scours. In severe cases of Necro always feed a slop. Mix 2 pounds of Nu-Vita Yeast with 50 pounds bran and 50 pounds ground hulled oats fermented. Feed night and morning as a thin gruel slop. If there is a tendency for Scouring at any time during the feeding of Nu-Vita Yeast reduce the amount in the feed for a day or so."

On August 10, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21582. Misbranding of Super Culture Hylaetic Yeast Feed. U. S. v. 104 Bags of Super Culture Hylaetic Yeast Feed. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29796. Sample no. 24370-A.)

This case involved a shipment of a product intended for use as a stock conditioner. Examination showed that the article would not increase the feeding value of common grains 20 to 30 percent as represented in the circular,

would not aid in fattening livestock, would not aid in the production of beef, and would not stimulate milk production as claimed. The article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 24, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 bags of the said Super Culture Hylactic Yeast Feed at Winslow, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1932, by the Super Culture Sales Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the material by this Department showed that it consisted essentially of plant material, including wheat and yeast, and inorganic material, including sodium chloride (5 percent), sodium bicarbonate (3.3 percent), and iron oxide (1.3 percent).

It was alleged in the libel that the article was misbranded in that the following statements contained in the circular shipped with the article were false and misleading: "Increases the food value of grains 25% * * * A Bone, Flesh and Fat Builder Shortens the Time to Market, * * * It has long been known that yeast when mixed with other feeds makes a supplementary balance * * * makes them more readily assimilable when eaten; in other words, increasing their food value * * * Super Culture Yeast Feed is a supplementary balance for the Farmers' home grown feeds. * * * makes them more easily digested, opens up the feed values in all hard grains grown on the farm * * * Tests held by us for over a period of two years, show that when mixed with oat hulls, about 4% protein is produced. That actual feeding value of oats is increased about 20%. When used with other ground grains the food value is increased about 25% and in some instances 30%. * * * Super Culture Hylactic Yeast Feed produces more beef quicker, cheaper and with less feed. When fed to dairy cows this wonderful stimulant abundantly increases the milk supply. Super Culture Feed Concentrate The All Purpose Feed."

Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects on the article, appearing in the circular, were false and fraudulent: "The scientific world stands amazed at the curative properties in yeast. * * *. But it has only lately been discovered that yeast feeds are marvelous as a gland stimulator and a great aid in keeping the intestinal tract clean and healthy. Increases appetite * * * Super Culture is a great help in negro pigs. Pigs with negro will put on a gain and be helped of the necrotic condition while feeding Super Culture Hylactic Yeast Feed. Treating Hogs for Negro or Necrotic Enteritis * * * shut off all other feeds and pastures or treatment will be a failure."

On May 26, 1933, William Hite, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$750.

M. L. WILSON, *Acting Secretary of Agriculture.*

21583. Misbranding of Parkelp. U. S. v. 136 Cans of Parkelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30429. Sample no. 34216-A.)

Examination of the drug preparation Parkelp disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in the accompanying circular.

On May 9, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cans of Parkelp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 30, 1933, by the Philip R. Park Laboratories, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground plant material yielding 29 percent of ash consisting

of compounds of calcium, magnesium, iron, manganese, copper, sodium, potassium, sulphur, phosphorous, and iodine.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Vigor building * * * The combination of Parkelp's minerals in biological tests has given the effects of vitamins A, B, D and E", (circular) "It is practically impossible to include in the daily diet, sufficient food stuffs to supply the Organic Minerals and Vitamins, required by the body. * * * Up to Par * * * 'To keep up to Par' is a simple thing, and yet only 5% of the world's population know the meaning of real health and happiness. Medical men are urging us to come to them 'before we are ill.' Preventative medicine and balanced diets are the urge of the age. In order to secure a balanced diet, including all the necessary minerals and vitamins, we must use a system that will supply a food supplement. Our vegetables and fruits, as well as bread and meats, no longer supply sufficient food minerals. Countless Physicians prescribe and administer inorganic Iodine and other inorganic minerals. Nature intended that we have them in our foods in a natural way. The rains of the ages have washed the minerals out of the soils, so that the vegetables and fruits that we have, are minerally starved. Parkelp supplies needed food minerals. Lack of food minerals, in the diet, in proper form, have a tendency to result in Obesity, Goitre, Rickets, Nervousness, Eczema, low vitality, Asthma, Rheumatism, Neuritis, Arthritis, and many female troubles. * * * The combination of Parkelp minerals in biological tests have given the effects of Vitamins A, B, D, E and G."

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21584. Misbranding of Hunt's Salve. U. S. v. 36 Boxes and 12 Dozen Packages of Hunt's Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30905. Sample nos. 38979-A, 46602-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the label.

On or about August 17, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes and 12 dozen packages of Hunt's Salve at New Iberia, La., alleging that the article had been shipped in interstate commerce in part on or about April 5, 1933, and in part on or about July 10, 1933, by the Allied Drug Products Co., from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Manufactured by A. B. Richards Med. Co., Sherman, Texas."

Analysis of a sample of the article by this Department showed that it consisted essentially of chrysarobin, phenol, sulphur, volatile oils, including sassafras oil, and small proportions of a mercury compound and iodine, incorporated in a base of petrolatum and rosin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing on the box and carton labels, were false and fraudulent: (Box label) "Recommended For Skin Diseases." (carton), "Recommended for The Following Diseases * * * Itch In All Its Various Forms, Itching Piles, Tetter * * * And All Skin Diseases * * * Formerly Called 'Hunts Cure' * * * Eczema * * * If Hunts Salve Fails In The Treatment Of * * * Eczema * * * Tetter Or Other Itching Skin Diseases * * * Formerly Called 'Hunts Cure' Is Especially Compounded For The Treatment Of * * * Eczema * * * And Tetter * * * Hunts Salve Formerly Called 'Hunts Cure' * * * Fine For Healing Old Sores Etc. * * * Formerly Called 'Hunts Cure'."

On September 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21585. Misbranding of Premo Ergot-Apiol Capsules. U. S. v. 39 Tins of Premo Ergot-Apiol Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30873. Sample no. 42977-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On August 9, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 tins of Premo Ergot-Apiol capsules at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1933, by Blackman & Blackman, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants, including aloin, a non-volatile oil such as apiol, a volatile oil such as savin oil, and traces of ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects were false and fraudulent: (Tin container) "For Dysmenorrhea, Amenorrhea and Menstrual Disorders", (circular) "For Dysmenorrhea, Amenorrhea and Menstrual Disorders * * * For the Treatment of Menstrual Disorders. It relieves pain * * * for use in the treatment of menstrual disorders. * * * Ergot-Apiol 'Premo' is valuable and is generally indicated in the conditions described below. * * * Amenorrhea—When menstrual flow is scanty or absent as a result of exposure, shock or nervous strain, one capsule should be taken three times a day for three days, then increased to two capsules three times daily until flow has been established. Then it is reduced to one capsule twice a day. Dysmenorrhea—Where the complaint is chronic 'Premo' Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule four times a day is sufficient, but when pain is unusually severe two capsules may be given four times a day. Menorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered four times a day. Menostasis—To re-establish the flow two capsules may be administered three or four times a day, in conjunction with frequent sitz baths if preferred. Menopause—Ergot-Apiol 'premo' will be found an aid in easing the disturbances attending final cessation of the menstrual functions. One capsule two or three times a day is advised."

On October 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21586. Misbranding of Alkalex Powder. U. S. v. 27 Packages of Alkalex Powder. Default decree of destruction. (F. & D. no. 30877. Sample no. 42803-A.)

Examination of the drug product, Alkalex Powder, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 8, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Alkalex Powder at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 15, 1933, by the Standard Chemical Co., from Des Moines, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of large proportions of calcium carbonate and sodium bicarbonate and relatively small proportions of magnesium carbonate and bismuth subcarbonate.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the carton, regarding the curative and therapeutic effects of the article were false and fraudulent: "Treatment of Hyperacidity * * * for the treatment of conditions due to excessive acid in the system * * * treatment for hyperacidity * * * correctives * * * Repeat every two to four hours until relieved * * Treatment for Hyper-

acidity * * * digestive * * * a rational and effective method of re-establishing the normal alkalinity of the body without danger of systemic disturbance * * * Treatment for hyperacidity, indications for indigestion fermentative dyspepsia * * * hyperacidity and chronic gastritis * * * for * * * distress after eating and bloating * * * for gastric or duodenal ulcers give regular doses every two hours observing the usual feeding plans in ulcerous conditions, for rheumatic conditions."

On September 25, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21587. Misbranding of white petroleum jelly. U. S. v. 16 Dozen 4-Ounce Jars of White Petroleum Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30881. Sample nos. 42955-A, 42983-A.)

This case involved shipments of white petroleum jelly, the labels of which bore unwarranted curative and therapeutic claims. Sample jars were found to contain less than 4 ounces, the declared weight.

On August 10, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 dozen 4-ounce jars of white petroleum jelly in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce May 12 and June 15, 1933, by the Mills Sales Co., from New York, N.Y., to Wilkes-Barre, Pa., that a portion had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of white petrolatum. The quantity of contents in 27 jars ranged from 3.01 to 3.48 ounces per jar.

It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "For * * * wounds. Will relieve sore throats, coughs, when taken internally." Misbranding was alleged for the further reason that the statements on the label regarding the weight of the article, "Net Wt. Four Ounces" or "Net Wt. Four Oz.", were false and misleading.

On September 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21588. Misbranding of Pyro-Sana Tooth Paste. U. S. v. 45 Packages of Pyro-Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30465. Sample no. 17072-A.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and tube labels and in a circular shipped with the article.

On May 16, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 packages of Pyro-Sana Tooth Paste at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce on or about January 20, 1930, by the Alhosan Chemical Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, soap, glycerin, a small proportion of creosote, and water.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton and tube) "Prevents Pyorrhea, Preserves the Gums * * * a proven medicinal agent in checking and controlling Pyorrhea, relieving and preventing soft and bleeding gums preventing receding gums making them hard and firm. * * * A

Healthy Mouth is a Good Foundation", (circular) "Pyro-Sana Tooth paste will check pyorrhea, make the gums hard and firm, relieve and prevent soft, bleeding gums and maintain a vigorous and healthy mouth."

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21589. Misbranding of Nu Pine. U. S. v. 213 Bottles of Nu Pine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30762. Sample no. 42945-A.)

Examination of the drug product, Nu Pine, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On July 22, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of Nu Pine at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about November 9, 1932, by the Ray Sales Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of alcohol (80.8 percent), volatile oils such as camphor and eucalyptol, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Jar) "For * * * Hay Fever", (carton) "For * * * Hay Fever * * * Sinus Congestion * * * Bronchial Asthma."

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21590. Adulteration and misbranding of fluidextract of burdock root. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 30212. Sample no. 7751-A.)

This case was based on an interstate shipment of a product represented to be fluidextract of burdock root of National Formulary standard. The article did not conform to the standard prescribed in the National Formulary for fluidextract of lappa (a name synonymous with burdock) since it contained a large amount of mydriatic alkaloids, indicating that it had been prepared in whole or in large part from a mydriatic drug, such as belladonna, a preparation which would be dangerous if prescribed in the doses usually prescribed for the less potent drug, fluidextract of burdock root.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 2, 1932, from the State of Maryland into the State of Georgia, of a quantity of alleged fluidextract of burdock root that was adulterated and misbranded. The article was labeled in part: "Fluidextract Burdock Root N. F. * * * Each Mil. represents one Gramme or each fluid ounce 456 grs. Burdock Root * * * Standard Pharmaceutical Corp. Baltimore, Md."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary, in that it contained mydriatic alkaloids, which the formulary does not prescribe as normal constituents of fluidextract of burdock root.

Misbranding was alleged for the reason that the statements, "Fluidextract Burdock Root, N. F." and "Each mil. represents one gramme or each fluid

ounce 456 grs. Burdock Root", borne on the label, were false and misleading in that the statements represented that the article was fluidextract of burdock root which conformed to the standard laid down in the National Formulary, and that each mil of the article represented one gram, or each fluid ounce 456 grains, of burdock root, whereas the article did not conform to the tests laid down in the National Formulary, and the article contained little, if any, burdock root.

On September 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21591. Adulteration and misbranding of tincture belladonna and ointment of mercuric nitrate. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. no. 29365. Sample nos. 8792-A, 8817-A.)

This case was based on an interstate shipment of tincture of belladonna represented to be of pharmacopoeial standard, which was found to contain alkaloids of belladonna leaves in excess of the maximum prescribed in the United States Pharmacopoeia for tincture belladonna; also of a shipment of ointment of mercuric nitrate, represented to be of National Formulary standard, but which was found to contain less mercuric nitrate than prescribed in the National Formulary for ointment of mercuric nitrate.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of Maryland into the District of Columbia, of a quantity of tincture of belladonna, and on or about May 27, 1932, from the State of Maryland into the State of Pennsylvania, of a quantity of ointment of mercuric nitrate, which products were adulterated and misbranded. The articles were labeled in part: "Tincture Belladonna (Tinctura Belladonnae) U.S.P. * * * Standard.—0.027 gm. to 0.033 gm. Alkaloids in 100 mls.", "Ointment of Mercuric Nitrate (Ung. Hydrarg. Nit. N.F. (U.S.P. IX) Citrine Ointment * * * Standard Pharmaceutical Corp. Baltimore, Md."

Adulteration of the tincture of belladonna was alleged in the information for the reason that the article was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it yielded not less than 0.03657 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the pharmacopoeia provides that tincture of belladonna shall yield not more than 0.033 gram of the alkaloids of belladonna leaves per 100 cubic centimeters and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the ointment of mercuric nitrate was alleged for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary official at the time of investigation in that it contained less than 7 percent of mercury, namely, not more than 5.13 percent of mercury, whereas the Formulary provides that ointment of mercuric nitrate shall contain not less than 7 percent of mercury, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged with respect to both products for the further reason that they fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, "Tincture Belladonna * * * U.S.P. * * * Standard 0.027 gm. to 0.033 gm. Alkaloids in 100 mls" and "Ointment of Mercuric Nitrate * * * N.F.", borne on the labels of the respective articles, were false and misleading in that the said statements represented that the tincture of belladonna conformed to the standard laid down in the United States Pharmacopoeia and contained not more than 0.033 gram of alkaloids, and that the ointment of mercuric nitrate conformed to the National Formulary, whereas the former was not of pharmacopoeial standard, each 100 mls containing more than 0.033 gram of alkaloids, and the latter did not conform to the tests laid down in the National Formulary.

On September 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21592. Adulteration and misbranding of tincture of aconite root, fluid-extract of ergot, and fluidextract of belladonna leaves. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, \$40 and costs. (F. & D. no. 28167. I.S. nos. 39503, 46101, 46102, 46104.)

This case was based on interstate shipments of tincture of aconite root, fluidextract of ergot, and fluidextract of belladonna leaves, which were represented to be pharmacopoeial products but which fell below the standard laid down in the United States Pharmacopoeia for such products.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 28, November 20, and November 30, 1931, from the State of Maryland into the State of Georgia, of quantities of fluidextract of belladonna leaves, tincture of aconite root, and fluidextract of ergot, and on or about February 9, 1932, from the State of Maryland into the District of Columbia, of a quantity of tincture of aconite root, which products were adulterated and misbranded. The articles were labeled in part: "Tincture Aconite Root (Tinctura Aconiti) U.S.P."; Fluidextract Ergot (Fluidextractum Ergotae) U.S.P. Physiologically Tested"; "Fluidextract Belladonna Leaves (Atropi Belladonna) * * * One hundred mills contains 0.3 gm. Alkaloids. * * * Standard Pharmaceutical Corp. Baltimore, Md."

Analyses of samples of the articles by this Department showed that the tincture of aconite root possessed approximately one-third the potency required by the United States Pharmacopoeia, that the fluidextract of ergot was less than one-third as potent as required by the pharmacopoeia; and that the fluidextract of belladonna leaves contained 8 percent more alkaloid than the maximum permitted by the pharmacopoeia.

It was alleged in the information that the articles were adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia in the following respects, and their own standard of strength, quality, and purity were not declared on the container:

The tincture of aconite root, when administered subcutaneously to guinea pigs, had a minimum lethal dose of more than 0.00045 cubic centimeter for each gram of body weight of guinea pig (the two lots requiring 0.0017 cubic centimeter and 0.0013 cubic centimeter, respectively, per gram of guinea pig for a lethal dose), whereas the pharmacopoeia required that tincture of aconite root, when administered subcutaneously to guinea pigs, shall have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig;

The fluidextract of ergot, when administered by intramuscular injection to single-comb white Leghorn cocks required more than 0.5 cubic centimeter for each kilogram of body weight of cock to produce a darkening of the comb corresponding in intensity to that caused by the same dose of the standard fluidextract of ergot, whereas the pharmacopoeia provides that fluidextract of ergot, when administered by intramuscular injection to a single-comb white Leghorn cock in doses not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock, shall produce a darkening of the comb corresponding in intensity to that caused by the same dose of the standard fluidextract of ergot;

The fluidextract of belladonna leaves yielded not less than 0.356 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters, whereas the pharmacopoeia provides that fluidextract of belladonna leaves shall yield not more than 0.33 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements appearing on the labels of the respective products, "Tincture Aconite Root (Tinctura Aconiti)

U.S.P.", "Fluidextract Ergot * * * U.S.P. Physiologically Tested", "Fluidextract Belladonna leaves * * * One hundred mils. contains 0.3 gm. alkaloids", were false and misleading, since the said statements represented that the tincture of aconite root and the fluidextract of ergot conformed to the standard prescribed in the United States Pharmacopoeia, and that the fluidextract of belladonna leaves contained 0.3 gram of alkaloids in each 100 mils, whereas the said tincture of aconite root and the fluidextract of ergot did not conform to the standard prescribed in the United States Pharmacopoeia, and the fluidextract of belladonna leaves contained more than 0.3 gram of the alkaloids, namely, not less than 0.356 gram of alkaloids per 100 mils.

On September 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21593. Misbranding of Minwater Crystals. U. S. v. 40 Boxes, et al., of Minwater Crystals. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30426, 30459, 30460, S. nos. 35814-A, 35815-A, 35851-A, 35853-A, 35882-A, 36687-A, 36688-A, 36689-A.)

Examination of the drug product, Minwater Crystals, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in the circulars shipped with the article.

On May 17, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 packages of Minwater Crystals at Kansas City, Mo. On June 3, 1933, the United States attorney for the Western District of Oklahoma filed libels against 184 boxes of Minwater Crystals at Oklahoma City, Okla. It was alleged in the libels that the article had been shipped in interstate commerce by the Minwater Crystal Co. in various shipments on or about October 17, 1932, and April 11, 1933, from Dallas, Tex., and on or about December 7, 1932, and February 10, 1933, from Mineral Wells, Tex., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of anhydrous sodium sulphate, with small proportions of sodium carbonate and sodium chloride.

The libels charged that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) " * * * Keeps You Healthy * * * ", (circular) "Nature's Way To Health—Course of Treatment—Obtain quick relief by thoroughly flushing the system. Gradually reduce the dosage until about the tenth day, after which normal strength of the natural mineral water is usually sufficient to maintain a normal, healthy condition of the system. Detailed treatment follows: * * * Specific Treatment For Common Ills, * * * and auto-Intoxication—Take one level teaspoonful of Minwater Mineral Wells Crystals in a large glass of warm water thirty minutes before breakfast. Repeat daily until elimination is regulated * * * High Blood Pressure, Nervous Ailments, or Excess Acidity—Dissolve eight level teaspoonfuls of Minwater Mineral Wells Crystals in a gallon of water and drink eight to twelve glasses daily, between meals. Do not drink with, or immediately after meals. Rheumatism (including Neuritis, Arthritis, and other forms)—Take one level teaspoonful of Minwater Mineral Wells Crystals in a large glass of warm water thirty minutes before each meal and again at retiring. Three or four free evacuations daily should result. Observe a proper diet, with very little meat, and drink water freely. Diabetes, Stomach, Bladder and Kidney Ailments—Dissolve eight level teaspoonfuls of Minwater Mineral Wells Crystals in a gallon of water and drink from eight to twelve glasses daily, according to the effect on the bowels and kidneys. Observe proper diet. The Morning After—Avoid that quivering stomach, headache and heavy heart the morning after indiscretions. Take two level teaspoonfuls of Minwater Mineral Wells Crystals in a large glass of hot water immediately upon arising. Notice the difference: Over-weight—Regain and keep that youthful figure. Minwater Mineral Wells Crystals Are recommended for removing excess weight and maintaining a youthful figure. Use regularly in the form of drinking water at the rate of one ounce to one gallon, drinking eight to twelve glasses daily."

On August 12, and November 13, 1933, no claimant having appeared for the property, judgments of condemnation, forfeiture, and destruction were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21594. Misbranding of 7A's Iron Tonic. U. S. v. 24 Bottles of Seven A's AAAAAAA Iron Tonic. Default decree of destruction. (F. & D. no. 30784. Sample no. 36819-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 2, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of the said 7A's Iron Tonic at Blytheville, Ark., alleging that the article had been shipped in interstate commerce, on or about March 21, 1933, from Memphis, Tenn., by the Clyde Collins Chemical Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt, iron chloride, a small proportion of salicylic acid, extracts of plant drugs, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Iron Tonic The Miracle Medicine Indigestion * * * Stomach, Kidney and Functional Disorders of the Liver the true cause of blood troubles and many other diseases of the body." (carton) "Iron Tonic the Miracle Medicine First aid to health * * * Highly indicated in the treatment of chronic Constipation and indigestion, the true cause of many diseases such as Stomach, Kidney, Liver and blood troubles and many other functional disorders of the body * * * Indigestion * * * Stomach, Kidney, Liver."

On November 27, 1933, no claimant having appeared for the property, judgment was entered sustaining the allegations of the libel and ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21595. Misbranding of Beatsol Drawing Salve. U. S. v. 97 Tins of Beatsol Drawing Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30808. Sample no. 42972-A.)

Examination of the drug preparation, Beatsol Drawing Salve, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 tins of Beatsol Drawing Salve in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 22, 1933, by the G. & W. Laboratories, Inc., from Jersey City, N. J., to Wilkes-Barre, Pa., that a part had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sulphonated bitumen incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Tin container) "Drawing salve to draw boils, carbuncles, ulcers, felons, etc." (carton) "Drawing Salve to draw boils, carbuncles, ulcer, felons, etc. * * * affected * * * drawing salve draws, drawing salve stops pain, drawing salve heals", (circular) "In emergencies when you are in pain and are suffering results are wanted you will get quick sure results when you use Beatsol Remedies * * * Beatsol Drawing Salve will draw boils, carbuncles, ulcers, festers, felons, etc."

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21596. Misbranding and alleged adulteration of A-Vol Tablets. U. S. v. 1 Large, 22 Medium, and 174 Small Bottles of A-Vol Tablets. Default decree of destruction. (F. & D. no. 31017. Sample nos. 42847-A, 42848-A, 42849-A.)

Analysis of the drug preparation, A-Vol Tablets, showed that the article contained considerably less than $2\frac{1}{2}$ grains of acetphenetidin per tablet, the amount declared on the label. The labeling of portions of the article also bore unwarranted curative and therapeutic claims.

On August 26, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 large, 22 medium, and 174 small bottles of A-Vol Tablets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 15, 1933, by the D. P. C. Laboratories, Holton, Kans., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained 1.3 grains to 1.5 grains of acetphenetidin each.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Two and one-half Grs. acetphenetidin."

Misbranding was alleged for the reason that the statement on the label, "Two and one-half Grs. acetphenetidin", was false and misleading. Misbranding was alleged for the further reason that the statement on the cartons of the medium and large packages, regarding the curative or therapeutic effects of the article, "Tends to relieve pain", was false and fraudulent.

On November 13, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21597. Misbranding of Iodine Crumble. U. S. v. Twenty-three 1-Pound Boxes and Nine 5-Pound Boxes of Iodine Crumble. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31096. Sample no. 50861-A.)

This case involved a drug preparation known as Iodine Crumble, labeled to convey the impression that it was valuable as a source of iodine. Analysis showed that the article contained no uncombined iodine, that its principal active ingredients were other drugs, and that it contained a materially greater percentage of active (and potentially harmful) ingredients than was declared on the label. The label also bore unwarranted curative and therapeutic claims.

On or about September 20, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-three 1-pound boxes and nine 5-pound boxes of Iodine Crumble at Denver, Colo., consigned by the Pacific Laboratories, Inc., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 12, 1933, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, small proportions of phenolphthalein, sulphur, and a mercury compound (mercury 1.3 percent), and iodine in a combined form. No free iodine was present.

It was alleged in the libel that the article was misbranded in that the name "Iodine Crumble", and the statement on the package, "Active ingredient .30 percent. Inert ingredients 99.70 percent", were false and misleading, in view of the composition of the product. Misbranding was alleged for the further reason that the statement on the package, "For round (ascardia) and tape worms in poultry", was false and fraudulent.

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21598. Misbranding of Wilson's Neuropathic Drops, Winsol Sanalt, and Winsol Corlevo. U. S. v. Winsol, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. no. 29357. I. S. nos. 42730, 42761, 43204, 43210.)

Examination of the drug preparations involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of pro-

ducing certain curative and therapeutic effects claimed in the labelings. The Winsol Sanalt was represented to be composed of vegetable substances, whereas it was largely composed of magnesium sulphate, a mineral substance.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Winsol, Inc., a corporation, Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 16, 1931, and September 10, 1931, from the State of Massachusetts into the State of Ohio, of a quantity of Winsol Corlevo and Winsol Sanalt, respectively, and on or about November 16, December 1, and December 18, 1931, from the State of Massachusetts into the State of New York, of quantities of Wilson's Neuropathic Drops, which products were misbranded.

Analyses of samples of the articles by this Department showed that the Neuropathic Drops consisted essentially of capsicum oleoresin, volatile oils, including camphor and a mint oil, alcohol, and water; that the Sanalt Tonic consisted essentially of magnesium sulphate (17.25 grams per 100 milliliters), malt extract, extracts of plant drugs, including licorice and nux vomica, volatile oils, including methyl salicylate, alcohol, and water; and that the Corlevo consisted essentially of extracts of plant drugs containing alkaloids and valeric acid, sugar, alcohol, and water.

It was alleged in the information that the Wilson's Neuropathic Drops were misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label, wrapper, and an accompanying circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for neuropathic ailments, chills, cramps, internal pains, cholera morbus, and acute indigestion; effective to remove many forms of internal and external inflammation; effective to promptly remove pain both external and internal; effective to cure pain; and effective as a reliable and efficient remedy for neuropathic ailments, colic, cramps, indolent sores, rheumatism, and other local aches and pains. Misbranding of the Winsol Sanalt was alleged for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottles and cartons and in the circular, falsely and fraudulently represented that the article was effective to operate upon the many secretive and excretive organs and help to produce a gradual change in the fluids of the system, to renovate the blood, and to free it from impurities; effective as a treatment for cases of general debility and prostration of the nervous system; effective as a treatment, remedy, and cure for that tired feeling and ailments caused or aggravated by constipation; effective to cleanse the blood, regulate the secretions, and tone up the system; and effective as a valuable remedy for the treatment of indigestion, jaundice, general debility, palpitation of the heart, piles, scrofula, obstinate cutaneous eruptions, prostration of the nervous system, sores and ulcers, dyspepsia, gout, and inflammation of the liver and kidneys. Misbranding of the Winsol Corlevo was alleged for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottles and cartons and in the circular, falsely and fraudulently represented that the article was effective to exert a direct influence on the uterus and of special value in the treatment of atony and loss of tone of the uterus, and all functional derangements of the reproductive organs; effective as highly beneficial to persons subject to cramps and convulsions during the period of gestation or at the time of parturition; effective as a preventive of such attacks; and effective as a medicine for the ills peculiar to women, and as a treatment of disorders attending the female during the menstrual period and for all other ailments which accompany, or are directly traceable to, that period. Misbranding of the Winsol Sanalt was alleged for the further reason that that the statement, "This preparation contains the extracts of the most valuable vegetable alteratives", borne on the cartons and circulars, was false and misleading, since it represented that the article was prepared from vegetable substances, whereas it was largely prepared from magnesium sulphate, a mineral substance.

On July 10, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21599. Misbranding of Medisalt. U. S. v. 1,074 Packages of Medisalt. Consent decree of condemnation. Product released under bond. (F. & D. no. 31126. Sample no. 42790-A.)

Examination of the drug product, Medisalt, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic when used as directed.

On September 21, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,074 packages of Medisalt at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 4, 1933, by the Carey Salt Co., from Hutchinson, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride, magnesium carbonate, and water, flavored with menthol and cassia oil. A bacteriological test showed that the article was not antiseptic when used as directed.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the label was false and misleading: "Make Medisalt Antiseptic Solution by dissolving small quantity of Medisalt in warm water." Misbranding was alleged for the further reason that the following statements appearing in the circular shipped with the article, regarding its curative or therapeutic effects, were false and fraudulent: "The formation of the substance known to the profession as mucin plaques, but generally called film soon covers any debris left by a dentifrice. This covered debris, in turn, irritates the gum tissues, which results in a congestion or what is commonly called sore gums. The cells may become sluggish, thus impairing the circulation. The use of Medisalt assures you of a thoroughly clean mouth and sparkling teeth. At the same time * * * it stimulates the activity of the gums by * * * will result in a firm and healthy gum tissue. * * * Thoroughly clean teeth do not decay; thoroughly clean gums do not become sore. Disease germs that attack the throat seldom lurk in a mouth that is really clean. * * * purifying * * * Some of the highest dental authorities have stated in books written for the practicing dentist that salt is a valuable aid in the prevention of mouth disease * * * a gargle for mouth and throat ailments * * * In scientific literature of the dental profession, frequent references are made to its use in treating soft and diseased gums. * * * If your gums are puffy or spongy, and dark in color, and have a tendency to bleed or show other signs of disease, see your dentist immediately, and follow his directions for the use of Medisalt. Such a condition is a distinct danger sign, one which needs professional attention. Do not depend upon Medisalt or any other dentifrice to correct the trouble. See Your Dentist."

On October 6, 1933, the Carey Laboratories Corporation, Hutchinson, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act or any other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21600. Misbranding of Masterol. U. S. v. Five 6-Ounce Bottles, et al., of Masterol. Default decree of condemnation and destruction. (F. & D. no. 30591. Sample no. 17068-A.)

Examination of the drug product, Masterol, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 15, 1933, the United States attorney for the Southern District of Iowa, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying condemnation and seizure of five 6-ounce bottles, three 16-ounce bottles, and three 32-ounce bottles of Masterol at Shenandoah, Iowa, alleging that the article had been shipped in interstate commerce on or about February 13, 1933, by the Master Laboratories Inc., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (6 grams per 100 milliliters), including eucalyptol and menthol, and a small proportion of iodine dissolved in liquid petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "Indicated in Respiratory Diseases of all Poultry."

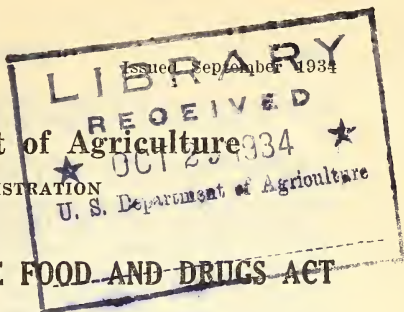
On September 16, 1933, a motion to make the libel more definite and certain, filed by the respondents, the Henry Field Seed Co. and the Master Laboratories, was overruled. On October 17, 1933, the respondents having failed to answer or plead, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21501-21600

Acme Medicated Stock Salt:	N. J. No.	Digitalis, tincture:	N. J. No.
Acme Stock Salt Co-----	21531	Elmira Drug & Chemical Co-----	21578
Poultry Tonic:		Gerity Bros. Drug Co-----	21578
Acme Stock Salt Co-----	21514	Du Bois Pacific Pills:	
Stock Tonic:		Baumgartner, W. J-----	21542
Acme Stock Salt Co-----	21514	Eells, Dr., Vitalizing Blood Purifier:	
Aconite root, tincture:		Eells, Dr. F., & Son Co-----	21520
Standard Pharmaceutical Cor-		Electrovita Mineralized Water:	
poration-----	21592	Electrovita Co., Inc-----	21527
Alberty's Calcatine:		Endazoin:	
Martindale, Thomas, & Co-----	21506	Endozoin Co., Inc-----	21527
Liver Cell Salts:		Ray Sales Co-----	21557
Martindale, Thomas, & Co-----	21506	Epsom salt tablets:	
Alkalex Powder:		Brewer & Co-----	21562
Standard Chemical Co-----	21586	Universal Merchandise Co-----	21564
Almklov's Eczema Specific:		compound tablets:	
Almklov, S-----	21509	Devore Manufacturing Co-----	21560
Analgesique, Baume:		Hance Bros. & White, Inc-----	21512
American Pharmaceutical Co.,		Ercolin:	
Inc-----	21575	Peoples Drug Stores, Inc-----	21548
Aromist:		Ergot-Apiol A. P. C:	
Holmes, T. J., Co-----	21534	American Pharmaceutical Co.,	
A-R-T Tablets:		Inc-----	21529
Allen, Hart M., Laboratories-----	21538	fluidextract:	
21539		Standard Pharmaceutical Cor-	
Asma-Tea:		poration-----	21592
Asma-Tea Co-----	21553	Espiritu Water No. 1:	
Aspirin tablets:		Espiritu Water Co-----	21508
Blackman & Blackman, Inc-----	21571	Ether:	
Hampton Manufacturing Co-----	21505	Merck & Co., Inc-----	21550
Red Line Products Co-----	21558	French's White Pine and Cherry	
Sunshine Pharmaceutical Co-----	21569	Compound Cough Syrup:	
Autotoxine:		Atlantic Sales Corporation-----	21532
Autotoxine Co-----	21536	Garvin's Remedies for Chickens and	
A-Vol Tablets:		Human Use:	
D. P. C. Laboratories-----	21596	Pest-U-Di Chemical Co-----	21519
Beatsol Drawing Salve:		Geuda Springs Crystals:	
G. & W. Laboratories, Inc-----	21595	Geuda Crystal Co-----	21568
Belladonna leaves, fluidextract:		Gold Bond Sterilizing Toilet Pow-	
Standard Pharmaceutical Cor-		der:	
poration-----	21592	Gold Bond Sterilizing Powder	
tincture:		Co., Inc-----	21517
Standard Pharmaceutical Cor-		Griswold's, C. G., Family Salve or	
poration-----	21591	Plaster:	
Bevill's Lotion:		Sisson Drug Co-----	21541
Bevill Co-----	21547	Hernance's, Dr. M., Asthma and	
Burdock root, fluidextract:		Hay Fever Medicine:	
Standard Pharmaceutical Cor-		Bell, C. A-----	21580
poration-----	21590	Hunt's Salve:	
Carpathian Herb Tea:		Allied Drug Products Co-----	21584
Kaidasz, Mrs. S-----	21530	Hydrogen peroxide:	
Polonia Medicine Co-----	21530	Peroxide Manufacturing &	
Chicko Powder for Cholera and		Specialty Co-----	21565
Other Bowel Trouble in Poultry:		Ichthyol ointment:	
Redwood Laboratories, Inc-----	21549	Petrolene Laboratories-----	21572
Tablets of Roup, Canker, Catarrh,		Idan Ha Lithia Water:	
Influenza, and Sore Head:		Idan Ha Mineral Water Co-----	21501
Redwood Laboratories, Inc-----	21549	Ingraham's, Dr., Macedonian Oil:	
Tablets for White Diarrhea in		Gerlach Medicine Co-----	21525
Chicks:		Iodine Crumble:	
Redwood Laboratories, Inc-----	21549	Pacific Laboratories, Inc-----	21597
Cly-Tone Tonic:		Iodostarine Tablets:	
Collins, Clyde, Chemical Co-----	21556	Hoffman-La Roche, Inc-----	21524
Consolidated Poultry Compound:		Johnson's, Dr. Clark, Syrup:	
21535		Kells Co-----	21503
Stock Compound:		Key Tasteless Cod Liver Extract	
21535		Tablets:	
Cox's, Dr., Liniment:		Key Laboratories-----	21518
Hoover Liniment Co-----	21528	Lady Grace Mineral Crystals:	
Dentoris:		Grace Natural Mineral Co-----	21516
Ford Hopkins Co-----	21546		

	N. J. No.		N. J. No.
Liberty Liniment:		Pyro-Sana Tooth Paste:	
Collins, Clyde, Chemical Co.	21556	Alhosan Chemical Co.	21588
Nerve and Gland Treatment:		Rinex:	
Collins, Clyde, Chemical Co.	21556	Rinex Laboratories Co.	21526
Tonic:		Roger's Headache Soda:	
Collins, Clyde, Chemical Co.	21556	Rogers Drug Co.	21533
Licolin Cough Mixture:		Ru-Co Skin Remedy:	
MacAndrews & Forbes Co.	21561	Collins, Clyde, Chemical Co.	21556
Live-On-Treatment:		Rx A. S. Royce Antiseptic Solution:	
Live-On Medicine Co.	21554	National Medical Products	
Manam Syladex:		Co.	21507
Leach, Albert	21521	Salomint Dental Cream:	
Natural Health Products Co.	21521	New England Collapsible Tube	
Masterol:		Co.	21576
Master Laboratories, Inc.	21600	Sal-O-Dent Laboratories, Inc.	21576
Medisalt:		Savol:	
Carey Salt Co.	21599	Savol Chemical Co.	21522
Mentholated ointment:		7 A's Iron Tonic:	
Petrolene Laboratories	21572	Collins, Clyde, Chemical Co.,	
Mentholyptus:		Inc.	21594
Cralego Pharmacal Co.	21545	Sleepy Salts:	
Mercuric nitrate, ointment of:		Sleepy Water Co.	21537
Standard Pharmaceutical Cor-		Sodium biphosphate:	
poration	21591	Good, James, Inc.	21566
Minwater Crystals:		Steraseptic Tablets:	
Minwater Crystal Co.	21593	Sterile Products Co.	21552
Moroline:		Sterodent Prophylactic Cleanser:	
Red Line Products Co.	21551	Sterile Products Co.	21552
M R Son Pink Wonders:		Stuart's Dyspepsia Tablets:	
M. R. Son Co., Inc.	21502	Stuart, F. A.	21513
Murmann's Compound:		Stuart, F. A., Co.	21513
Murmann's Compound Man-		Tabonucol Pectoratol:	
ufacturing Co.	21577	Fernandez, N. R.	21504
Nash's Headache Tablets:		Tabonucol Manufacturing Co.	21504
Nash Bros. Drug Co.	21543	Tee Tone Aspirin Tablets:	
Purgative Tablets:		Red Line Products Co.	21558
Nash Bros. Drug Co.	21543	Texas Mineral Crystals:	
No-Septo:		Dollar Crystal Co.	21559
No-Septo Laboratories	21544	Walgreen Co.	21559
Nu Pine:		Velvetol:	
Ray Sales Co.	21589	Bunny Drug Co.	21570
Nu-Vita Yeast:		Relgah Laboratories	21570
Miller, George D., Co.	21581	Vermilax:	
Parkelp:		Biddle Purchasing Co.	21573
Park, Philip R., Laboratories,		Vita Oil:	
Inc.	21583	Lawson Transfer & Storage	
Penslar Children's Cough Syrup:		Co.	21574
Peoples Drug Stores	21523	V. S. Poultrytone:	
Sore Throat Gargle:		Federal Food Co.	21510
Peoples Drug Stores	21523	Wilsons Neuropathic Drops:	
Petrobalm, white:		Winsol, Inc.	21598
Certified Pharmacal Co.	21555	Winsol Corlevo:	
Petrolatum, yellow:		Winsol, Inc.	21598
Certified Pharmacal Co.	21555	Sanalt:	
Petroleum jelly, white:		Winsol, Inc.	21598
Lecroy, John, & Son	21567	Yeast Feed, Super Culture Hylactic:	
Mills Sales Co.	21587	Super Culture Sales Co.	21582
Pituitary, solution posterior:		Yerbavida:	
Carrick, G. W., Co.	21579	Yerbavida Co.	21511, 21563
Premo Ergot-Apiol Capsules:		Zinc-O-Cide:	
Blackman & Blackman	21585	Weinberger Drug Stores, Inc.	21515
Pulvis Alkantis:			
Lafayette Pharmacal, Inc.	21540		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

21601—21775

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 24, 1934]

21601. Misbranding of cottonseed meal and cottonseed cake screenings. U. S. v. R. L. Heflin, Inc. Plea of guilty. Fine, \$5. (F. & D. no. 27571. I. S. nos. 23805, 23806.)

Sample sacks of feed taken from the shipment on which this case was based were found to contain less than 100 pounds, the declared weight.

On May 7, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against R. L. Heflin, Inc., Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 30 and May 7, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and cottonseed cake screenings that were misbranded. The former shipment was labeled in part: (Tag) "100 Pounds Net Heflin 43% Brand * * * Cottonseed Cake or Meal * * * Manufactured by R. L. Heflin, Incorporated, Sherman." The latter was labeled in part: (Tag) "100 Pounds Net * * * Equity Brand Cottonseed Cake and Meal * * * Manufactured for Feeders Supply and Mfg. Co. Kansas City, Mo."

It was alleged in the information that the articles were misbranded in that the statement, "100 Pounds Net", borne on the tags, was false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the sacks did not contain 100 pounds net, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21602. Misbranding of butter. U. S. v. John W. Downie (D. & D. Creamery). Plea of guilty. Fine, \$10 and costs. (F. & D. no. 30191. Sample no. 4904-A.)

This case was based on a shipment of butter in package form that was not labeled with a statement of the quantity of the contents.

On December 6, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John W. Downie, a member of a copartnership trading as the D. & D. Creamery, Elkader, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 28, 1932, from the State of Iowa into the State of Illinois, of a quantity of butter that was misbranded. The cases containing the article were labeled in part: "D. & D. Creamery Downie & Dinan, Props. Elkader, Iowa."

It was alleged in the information that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 6, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21603. Adulteration and misbranding of terpeneless lemon flavor with citral. U. S. v. Thomson & Taylor Co. Plea of guilty. Fine, \$10. (F. & D. no. 29469. I. S. no. 39541.)

This case was based on a shipment of a product which was represented to be terpeneless lemon flavor with citral but which was found to consist of an imitation lemon extract deficient in citral and alcohol.

On March 30, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thomson & Taylor Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 19, 1932, from the State of Illinois into the State of West Virginia, of a quantity of terpeneless lemon flavor with citral that was adulterated and misbranded. The article was labeled in part: (Jug) "Crown Brand Terpeneless Lemon Flavor with Citral, Manufactured by Thomson & Taylor Company, Chicago, Ill."

It was alleged in the information that the article was adulterated in that a product deficient in alcohol and citral had been substituted for terpeneless lemon flavor with citral, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Terpeneless Lemon Flavor With Citral", borne on the jug label, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not terpeneless lemon flavor with citral, but was an imitation substandard lemon extract deficient in alcohol and citral. Misbranding was alleged for the further reason that the article was an imitation of another article.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21604. Adulteration and misbranding of canned mustard greens. U. S. v. 72 Cases of Canned Mustard Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30810. Sample no. 42730-A.)

This case involved an interstate shipment of canned mustard greens that were infested with bugs, worms, gnats, and cocoons. Sample cans taken from the shipment were also found to contain less than the declared weight.

On August 4, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned mustard greens at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about April 20 and June 1, 1933, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Thrift Brand Mustard Greens, Contents 1 lb. 3 ozs."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "1 lb. 3 ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On October 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21605. Adulteration of blueberries. U. S. v. 10½ Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31122. Sample no. 55467-A.)

This case involved an interstate shipment of blueberries that were found to contain filth.

On August 31, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ crates of blueberries at Philadelphia, Pa., alleging that the article had been shipped in

interstate commerce on or about August 29, 1933, by Frank M. Tucker, from Cherryfield, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal (vegetable) substance.

On September 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21606. Adulteration of canned frozen eggs. U. S. v. Hanna Poultry & Egg Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30303. Sample nos. 11007-A, 11008-A.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On October 30, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hanna Poultry & Egg Co., a corporation, Atchison, Kans., alleging shipment by said company, under the name of Friebe & Sons, Inc., on various dates between April 7 and April 19, 1931, from the State of Kansas into the State of Missouri, of quantities of frozen eggs that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Distributed by Standard Brands Incorporated New York City Fleischmann's Spring Laid Whole Eggs."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On November 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21607. Adulteration of butter. U. S. v. The George Freese's Sons Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 29448. I. S. no. 38842.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 7, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24, 1931, from the State of Ohio into the State of Massachusetts, of a quantity of butter that was adulterated. The article was labeled in part: "From Geo. Freese's Sons Fostoria, O."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On October 9, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21608. Alleged adulteration and misbranding of butter. U. S. v. North Idaho Cooperative Creamery and Joe Smith. Tried to a jury. Verdict of not guilty. (F. & D. no. 29503. Sample nos. 1327-A, 1506-A, 1509-A, 1510-A, 1517-A, 1528-A, 1529-A, 1712-A.)

This case was based on interstate shipments of butter charged to be below the legal standard. One of the shipments was also charged to be short weight.

On August 2, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North Idaho Cooperative Creamery, a corporation, Lewiston, Idaho, and Joe Smith, of Lewiston, Idaho, alleging shipment by said defendants between the dates of April 14, 1932, and May 13, 1932, from the State of Idaho into the State of Washington, of quantities of butter which

was charged to be adulterated, and portions of which were charged to be misbranded in violation of the Food and Drugs Act as amended. A portion of the article consisted of tub butter. The remainder was print butter labeled in part: "Creamery Butter * * * One Pound Net Weight [or "16 Oz. Net"]".

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the print butter was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the shipment charged to be short weight for the reason that the statement, "One Pound Net Weight", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1933, the case came on for trial before the court and a jury. The trial was completed on November 22, 1933, on which date the case was submitted to the jury, which returned a verdict of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

21609. Adulteration of apples. U. S. v. 18 Bushels and 93 Bushels of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31649, 31650. Sample nos. 40403-A, 40422-A, 40423-A, 40424-A.)

These cases involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered the apples injurious to health.

On September 30, 1933, and October 2, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 111 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1933, by Clyde E. Dohm, from Sodus, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21610. Adulteration and misbranding of butter. U. S. v. Western Creamery Co., Inc. Plea of guilty. Fine, \$32. (F. & D. no. 30192. Sample nos. 1200-A, 14605-A, 17227-A, 29838-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 10, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Creamery Co., Inc., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, in various shipments on or about August 29 and October 3, 1932, and March 7, 1933, respectively, from the State of Utah into the State of California, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Meadow Brook Butter Packed especially for Hollywood Market * * * Hollywood, California", or "Meadow Brook Butter Packed especially for South Gate Public Market * * * South Gate, L. A. Co. California."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the statement represented that the article was butter, i.e., a product containing not less than 80 percent by weight of milk fat as required by law, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On October 21, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$32.

M. L. WILSON, *Acting Secretary of Agriculture.*

21611. Adulteration of crab meat. U. S. v. 170 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31108. Sample no. 44127-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and to be in part decomposed.

On September 2, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 30, 1933, by G. N. Baker & Co., from Belhaven, N.C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21612. Misbranding of meat scraps. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 27446. I.S. no. 14900.)

This case was based on an interstate shipment of a number of bags of meat scrap that was not labeled to show the quantity of the contents of the bags.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Riverdale Products Co., a corporation, Calumet City, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 25, 1931, from the State of Illinois into the State of Missouri, of a quantity of a product, invoiced as meat scraps, that was misbranded. The article was contained in unlabeled sacks.

It was alleged in the information that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21613. Adulteration of apples. U. S. v. 40 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31689. Sample no. 59834-A.)

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered the apples injurious to health.

On October 31, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 23, 1933, by Tom Armatar, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On December 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21614. Misbranding of cottonseed screenings. U. S. v. Rosebud Oil & Cotton Co. Plea of guilty. Fine, \$50. (F. & D. no. 29470. I.S. no. 47495.)

This case was based on an interstate shipment of cottonseed screenings that were found to contain less than 43 percent of protein, the amount declared on the label.

On March 7, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rosebud Oil & Cotton Co., a corporation, Rosebud, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 2, 1932, from the State of Texas into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: (Tag) "Prime Quality 43% Protein Cottonseed Cake and Meal Guaranteed Analysis Protein, not less than 43% * * * Manufactured By Rosebud Oil & Cotton Co., Rosebud, Texas."

It was alleged in the information that the article was misbranded in that the statements, "43% protein * * * guaranteed analysis protein, not less than 43%", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On November 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21615. Adulteration and misbranding of wheat bran. U. S. v. Voigt Milling Co. Plea of guilty. Fine, \$50. (F. & D. no. 30246. Sample nos. 17783-A, 17786-A, 17787-A.)

This case was based on interstate shipments of a product which was represented to be pure winter wheat bran but which was found to consist in part of screenings, or screenings and scourings.

On August 18, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Voigt Milling Co., a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 19, August 31, and September 12, 1932, from the State of Michigan into the State of Maryland, of quantities of wheat bran which was adulterated and misbranded. The article was labeled in part: "Voigt's Pure Winter Wheat Bran * * * Manufactured By Voigt Milling Co. Grand Rapids, Mich."

It was alleged in the information that the article was adulterated in that a substance, added screenings and/or scourings, had been substituted in part for pure winter wheat bran, which the article purported solely to be.

Misbranding was alleged for the reason that the statement, "Pure Winter Wheat Bran", borne on the bags containing the article, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of pure winter wheat bran, whereas it consisted in part of added screenings, or added screenings and scourings.

On November 1, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21616. Adulteration of cherries in brine. U. S. v. William G. Allen (Allen Fruit Co. or W. G. Allen Fruit Co. or Hunt Bros. Packing Co.). Plea of guilty. Fine, \$100. (F. & D. no. 28140. I.S. nos. 22916 to 22919, incl.)

This case was based on interstate shipments of cherries in brine that were found to be in part rotten and moldy.

On September 21, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William G. Allen, trading as the Allen Fruit Co., the W. G. Allen Fruit Co., and the Hunt Bros. Packing Co., having his principal place of business at Salem, Oreg., also a place of business at Dundee, Oreg., alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of July 13 and July 25, 1931, from the State of Oregon into the State of New Jersey, of quantities of cherries in brine that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of decomposed and putrid vegetable substances.

On November 21, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21617. Adulteration and misbranding of egg noodles. U. S. v. Figler-Saltzman & Co. Plea of guilty. Fine, \$25. (F. & D. no. 28131. I.S. no. 35871.)

This case was based on an interstate shipment of a product represented to be egg noodles, which was found to contain insufficient egg solids to be classed as egg noodles and which was artificially colored to simulate the appearance of egg noodles.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Figler-Saltzman & Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 19, 1931, from the State of Illinois into the State of Michigan, of a quantity of egg noodles that were adulterated and misbranded. The article was labeled in part: (Carton) "Taste Good Genuine Egg Noodles Mfg. by Figler, Saltzman & Glick, Inc., * * * Chicago."

It was alleged in the information that the article was adulterated in that a product deficient in egg solids had been substituted for egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article was colored with undeclared artificial color in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Egg Noodles", borne on the carton, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not egg noodles, being deficient in egg solids. Misbranding was alleged for the further reason that the article was deficient in egg solids and contained an undeclared artificial coloring substance and was offered for sale under the distinctive name of another article, egg noodles, and for the further reason that it was an imitation of another article.

On December 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21618. Adulteration of apple pomace. U. S. v. 36 Bags of Apple Pomace. Default decree of destruction. (F. & D. no. 31188. Sample no. 57476-A.)

This case involved an interstate shipment of apple pomace that was found to contain excessive lead and arsenic spray residue.

On September 29, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bags of apple pomace at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by Gregory-Robinson-Speas, Inc., from Rogers, Ark. and charging that it was adulterated in violation of the Food and Drugs Act, since it contained arsenic and lead.

On November 4, 1933, an amended libel was filed representing that the United States marshal had seized 27 bags of the product described in the original libel, also 80 additional sacks similar in appearance and physical make-up to the said 27 bags and that analysis had disclosed that an excessive amount of lead and arsenic spray residue was contained in the product in the said 80 sacks, and charging that the entire 107 bags of the product were adulterated.

On November 23, 1933, no claimant having appeared for the property, judgment was entered finding that the product was adulterated in that it contained an excessive amount of lead and arsenic spray residue and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21619. Misbranding of canned cherries. U. S. v. 97 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31293. Sample no. 51327-A.)

Sample cans of cherries from the shipment involved in this case were found to contain less than the declared weight.

On October 30, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 97 cases of canned cherries at Elizabeth, N.J., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by the Victor Food Corporation, from Victor, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Hersh's Best Brand Sour Pitted Red Cherries Packed in Water Contents 1 Lb. 5 Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Lb. 5 Ozs., was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 16, 1933, L. F. Hersh & Bro., Elizabeth, N.J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

21620. Adulteration of herring. U. S. v. 3 Boxes of Fresh Fish. Default decree of destruction. (F. & D. no. 31587. Sample no. 50380-A.)

On October 31, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 boxes of herring at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 29, 1933, by the Lake Superior Fish Co., from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance and in that it consisted of portions of animals unfit for food.

On November 1, 1933, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21621. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31302. Sample no. 40396-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Examination also showed that the quantity of the contents was not declared on the label.

On September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by Preston Produce Co., from Preston, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21622. Misbranding of cottonseed screenings. U. S. v. Lucian C. Worth (L. C. Worth Commission Co.). Plea of guilty. Fine, \$1. (F. & D. no. 30327. Sample no. 19806-A.)

This case was based on an interstate shipment of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the tag.

On November 4, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lucian C. Worth, trading as L. C. Worth Commission Co., Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 28, 1932, from the State of Missouri into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: (Tag) "K. C. Brand Cake and Meal * * * Guaranteed Analysis Protein, not less than 43% * * * Manufactured for Kansas City Cake and Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement, "Protein, not less than 43%", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On November 25, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

21623. Adulteration of apples. U. S. v. 150 Bushels of Ben Davis Apples. Decree of confiscation. Apples delivered to a charitable institution. (F. & D. no. 31540. Sample no. 57873-A.)

This case involved an interstate shipment of apples, that were found to bear arsenic in an amount that might have rendered them injurious to health.

On October 18, 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Tulsa, Okla., alleging that the article had been shipped on or about October 15, 1933, by Allen Bement, Tulsa, Okla., from Springdale, Ark., and that the article had been guaranteed by W. B. Brogdon of Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic, which might have rendered it deleterious to health.

On October 27, 1933, W. B. Brogdon & Sons having appeared and admitted the allegations of the libel and having consented to the entry of a decree, judgment of confiscation was entered, and it was ordered by the court that the apples be rewashed so as to be in condition for use and delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21624. Adulteration and misbranding of butter. U. S. v. Marshall County Cooperative Creamery. Plea of guilty. Fine, \$25.01. (F. & D. no. 29459. I.S. no. 17089.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 3, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall County Cooperative Creamery, a corporation, Lewisburg, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 17, 1932, from the State of Tennessee into the State of Alabama, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Sunlight Creamery Butter * * * The Cudahy Packing Co., Distributors General Office Chicago."

It was alleged in the first count of the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged in the second count of the information for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On September 18, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 on the first count and 1 cent on the second count, in lieu of fine and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21625. Misbranding of canned peas. U. S. v. 1,000 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30820. Sample no. 42373-A.)

This case involved an interstate shipment of a product which was represented to be canned sugar peas but which consisted of Alaska peas, a lower grade than sugar peas.

On August 4, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned peas at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by H. M. Crites & Co., from Ashville, Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Merrit Brand Sugar Peas * * * Packed for A. H. Perfect and Company, The Eavey Company."

It was alleged in the libel that the article was misbranded in that the statement, "Sugar Peas", borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product which was low-grade Alaska variety peas. Misbranding was alleged for the further reason that the article was sold under the name of another article.

On September 30, 1933, the Eavey Co., Richmond, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21626. Adulteration of cauliflower. U. S. v. 35 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31247. Sample no. 58563-A.)

This case involved a shipment of cauliflower that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 6, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 4, 1933, by the Erie County Growers & Shippers Association, from Orchard Park, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On October 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21627. Adulteration of butter. U. S. v. 110 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31225. Sample no. 40370-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 19, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 9, 1933, by the Rosebud Creamery Co., from Sioux City, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 4, 1933, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked under the supervision of this Department upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21628. Adulteration of coconuts. U. S. v. 277 Bags of Coconuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31216. Sample no. 55516-A.)

This case involved a shipment of coconuts that were in large part decomposed.

On October 6, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 277 bags of coconuts at Philadelphia, Pa., alleging that the article had been shipped on or about September 19, 1933, by Antonio Ramirez, from Aguadilla, P.R., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On October 28 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21629. Adulteration of apples. U. S. v. 15 Bushels of Apples. Consent decree of destruction. (F. & D. no. 31205. Sample no. 49648-A.)

This case involved a shipment of apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On September 11 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 6, 1933, by H. H. Hines, Public Market, Tulsa, Okla., from Gentry, Ark., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added arsenic, which might have rendered it deleterious to health.

On October 7, 1933, H. H. Hines, intervener, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21630. Misbranding of jelly. U. S. v. 300 Cases of Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31174. Sample no. 47165-A.)

Sample jars of jelly taken from the shipment involved in this case were found to contain less than 10 ounces, the declared weight.

On September 28, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of currant jelly at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Red Wing Co., Inc., from Fredonia, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Red Wing Pure Currant Jelly 10 Ozs. Avd. Net."

It was alleged in the libel that the article was misbranded in that the statement, "10 Ozs. Avd. Net", was false and misleading and deceived and misled

the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 3, 1932, the Red Wing Co., Inc., Fredonia, N.Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the deposit of \$800 in lieu of bond, conditioned that it be relabeled under the supervision of this Department to show the true quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

21631. Adulteration of butter. U. S. v. 100 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31168. Sample no. 38297-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 15, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped on or about September 8, 1933, by Arrow Creamery Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 21, 1933, the Arrow Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$700.

M. L. WILSON, *Acting Secretary of Agriculture.*

21632. Adulteration of huckleberries. U. S. v. 12 Baskets of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31164. Sample no. 42666-A.)

This case involved a shipment of huckleberries that were filthy or decomposed.

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 baskets of huckleberries at Cincinnati, Ohio, consigned by B. Sipe, alleging that the article had been shipped in interstate commerce on or about August 9, 1933, from Islandford, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. Sipe, Islandford, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a putrid, filthy, and decomposed vegetable substance.

On October 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21633. Misbranding of canned boneless chicken. U. S. v. 19½ Dozen Jars of Canned Chicken. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31163. Sample no. 55507-A.)

Sample jars of boneless chicken taken from the shipment involved in this case were found to contain less than 11 ounces, the labeled weight.

On September 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ dozen jars of canned boneless chicken at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1933, by Elmwood Farm, from North Leominster, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Elmwood Farm Boneless

Chicken Net Weight 11 Oz. Packed by Elmwood Farm Co., North Leominster, Mass."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 11 Oz.", was false and misbranding and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 13, 1933, the Thomas C. Fluke Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21634. Adulteration of canned salmon. U. S. v. 1,490 Cases and 1,731 Cases of Canned Salmon. Portions of product released unconditionally. Decrees condemning and forfeiting remainder and ordering its release under bond for separation and destruction of unfit portion. (F. & D. no. 31113. Sample nos. 55278-A, 55279-A, 55287-A, 55288-A.)

These cases involved shipments of canned salmon identified by various code marks. Samples taken from certain of the codes were found to be decomposed.

On September 15, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,221 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in part on or about July 15, 1933, and in part on or about July 23, 1933, by the Alaska Year Round Canneries Co., from Seldovia, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 20, 1933, the Alaska Year Round Canneries Co. having appeared as claimant for the property, judgments were entered ordering that the product, with the exception of certain codes which were admitted to be in part decomposed, be released unconditionally. The decrees further ordered that the portions of the product which had been found to be in part decomposed, which consisted of 1,059 cases and 39 cans, be condemned and forfeited, and ordered that they be delivered to the claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned that the decomposed salmon be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21635. Misbranding of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31104. Sample no. 43273-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the declared weight.

On August 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of butter at Newark N.J., alleging that the article had been transported in interstate commerce from the premises of Breakstone Bros., Inc., New York, N.Y., to the premises of Marley Farms Co., Newark, N.J., in the truck of I. Becker & Sons, Inc., Newark N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Maple Grove Brand Salted Pure Creamery Butter * * * One Pound Net 4- $\frac{1}{4}$ 'S."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net 4- $\frac{1}{4}$ 'S", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On September 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21636. Adulteration and misbranding of butter. U. S. v. 12 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31073. Sample nos. 44427-A, 44429-A, 44430-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 2, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cubes and 11 cases of butter at San Francisco, Calif., alleging that the article had been shipped on or about July 31, 1933, by Fergus County Creamery, from Lewistown, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act. The portion of the article contained in cases was labeled in part: (Carton) "Armour's Star Quality * * * Cloverbloom, Full Cream Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the portion of the article contained in cartons was alleged for the reason that it was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 14, 1933, Armour & Co., San Francisco, Calif, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked under the supervision of this Department so as to comply with all laws, State and Federal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21637. Adulteration of crawfish meat. U. S. v. 15 Cans of Crawfish Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31043. Sample no. 37961-A.)

This case involved a shipment of crawfish meat that was found to contain filth.

On September 2, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 15 cans of crawfish meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about August 28, 1933, by the East Coast Fish Market Co., from Miami, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21638. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. no. 30929. Sample no. 9099-A.)

This case involved an interstate shipment of blueberries that were found to contain maggots.

On August 4, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of blueberries at Boston, Mass., consigned August 3, 1933, from Bucksport, Maine, alleging that the article had been shipped in interstate commerce by Delmont Smith, of Orland, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21639. Adulteration of dried pears. U. S. v. 70 Cases of Dried Pears. Product ordered released under bond. (F. & D. no. 29885. Sample no. 22654-A.)

This case involved a shipment of dried pears that were found to be in part insect-infested, dirty, and decayed.

On March 7, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of dried pears at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by Guggenheimer & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On October 16, 1933, Guggenheimer & Co. having appeared as claimant for the property and having executed a good and sufficient bond conditioned that the product would not be disposed of in violation of the law, a decree was entered ordering the goods released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

21640. Adulteration and misbranding of potatoes. U. S. v. Rigby Martin Potato Co. Plea of guilty. Fine, \$50. (F. & D. no. 29451. I.S. no. 47906.)

This case was based on an interstate shipment of potatoes which were represented to be U.S. No. 1 but which on examination were found to be of a grade lower than U.S. No. 1, the sacks examined averaging approximately 14 percent of grade defects.

On May 10, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rigby Martin Potato Co., a corporation, Idaho Falls, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 23, 1931, from the State of Idaho into the State of Illinois, of a quantity of potatoes that were adulterated and misbranded. The article was labeled in part: (Sacks) "Selected U.S. No. 1 Idaho Mountain Grown Potatoes."

It was alleged in the information that the article was adulterated in that potatoes of a lower grade than U.S. No. 1 had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for U.S. No. 1 grade, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U.S. No. 1", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted in part of potatoes inferior to U.S. No. 1 grade.

On October 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21641. Adulteration of dried peaches. U. S. v. Mount Whitney Corporation (Mount Whitney Packing Corporation). Plea of guilty. Fine, \$100. (F. & D. no. 29477. I.S. no. 41081.)

This case was based on the delivery for shipment in interstate commerce of a quantity of dried peaches that were insect-infested and that also showed indications of rodent infestation. Approximately 10 percent of the peaches examined were found to be moldy, decayed, or dirty.

On April 6, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Whitney Corporation, trading as the Mount Whitney Packing Corporation, at Armona, Calif., alleging that on or about November 1, 1931, the said company had delivered at Fresno, Calif., for shipment in interstate commerce to St. Louis, Mo., a quantity of dried peaches that were adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy and decomposed animal and vegetable substances.

On October 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21642. Misbranding of candy. U. S. v. Belle Mead Sweets, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29486. I.S. no. 48676.)

Sample packages of candy taken from the shipment of candy on which this case was based were found to contain less than 8 ounces, the declared weight.

On June 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Belle Mead Sweets, Inc., a corporation, trading at Trenton, N.J., alleging shipment by said company on or about February 24, 1932, from the State of New Jersey into the State of New York, of a quantity of candy that was misbranded. The article was labeled in part: "B M S Chocolates Chocolate Peppermints Trenton, N.J. Net Weight 8 Ozs."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 8 Ozs.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 2, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21643. Adulteration of crab meat. U. S. v. 103 Pounds, et al., of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30976, 31072. Sample nos. 44118-A, 44120-A.)

These cases involved interstate shipments of crab meat that was found to contain filth and was also in part decomposed.

On August 14 and August 18, 1933, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 187 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Norfolk, Va., on or about August 10 and August 15, 1933, by J. H. Fleming & Co., of Portsmouth, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21644. Adulteration and misbranding of fruit sirups. U. S. v. 44 Cartons, et al., of Assorted Sirups. Default decrees of condemnation. Portion of product ordered destroyed; remainder delivered to charitable organizations. (F. & D. nos. 30743, 30811. Sample nos. 26634-A, 26635-A, 32470-A, 32471-A.)

These cases involved shipments of raspberry and cherry sirups that contained undeclared malic acid. The statement of the quantity of contents was not expressed in terms of the largest unit nor in terms of liquid measure on the labels of certain of the products.

On July 19, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 44 cartons, each containing one dozen bottles of assorted sirups at Washington, D.C. On August 3, 1933, the United States attorney for the Southern District of New York filed a libel against 12 cases of the products at New York, N.Y. It was alleged in the libels that the articles had been shipped in interstate commerce on or about May 11 and June 9, 1933, by the Orchard Products Co., from Chicago, Ill., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the articles were adulterated in that a mixture of sugar, water, fruit juice, and inactive malic acid had been substituted for pure fruit sirup. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements, (all bottle labels) "Pure Raspberry [or "Cherry"] Syrup * * * Made

from the juice of fresh raspberries [or cherries] and rock candy syrup", (carton, portion) "Pure Assorted Syrups", (circular portion) "Pure fresh fruit juice syrups * * * Made from Pure unfiltered juices of fresh fruits and rock candy syrup", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to the raspberry and a portion of the cherry for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not in terms of the largest unit and was not expressed in terms of liquid measure.

On October 18 and November 15, 1933, no claimant having appeared for the property, judgments of condemnation were entered. The lot seized in the District of Columbia was ordered destroyed and the lot seized in the Southern District of New York was ordered delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

21645. Adulteration of crab meat. U. S. v. 2 Barrels and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30822, 30958. Sample nos. 37917-A, 37941-A.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On August 3 and August 17, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels containing one hundred and fifty-one 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 31 and August 14, 1933, by McNasby Oyster Co., from Annapolis, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21646. Adulteration of crab meat. U. S. v. 1 Barrel and Ninety-six 1-Pound Cans of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30893, 31066. Sample nos. 37927-A, 44132-A.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On August 10 and September 8, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of one barrel, containing one hundred 1-pound cans, and ninety-six 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about August 7 and September 5, 1933, by Amory & Holloway, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21647. Adulteration of crab apples. U. S. v. 25 Bushels and 9 Bushels of Crab Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31165, 31244. Sample nos. 46039-A, 46052-A.)

These cases involved interstate shipments of crab apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 bushels of crab

apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 4 and 5, 1933, by the Millburg Growers Exchange, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On October 9, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21648. Adulteration of currants. U. S. v. 6 Crates, et al., of Currants. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30844, 30990. Sample nos. 45737-A, 45738-A.)

These cases involved shipments of currants that bore arsenic and lead in amounts that might have rendered them injurious to health.

On July 1 and July 6, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 crates of currants at Chicago, Ill., alleging that the article had been shipped in part on or about June 28, 1933, and in part on or about June 29, 1933, by L. J. Rambo, from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On September 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21649. Misbranding of salad oil. U. S. v. 22 Dozen Glass Jugs and 54 Cases of Salad Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31002, 31041. Sample nos. 55436-A, 55451-A.)

Sample jugs of salad oil taken from the shipments involved in these cases were found to contain less than 8 ounces, the labeled volume.

On August 25 and September 1, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 22 dozen glass jugs of salad oil and 54 cases, each containing 2 dozen glass jugs, of salad oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 21 and August 1, 1933, by the Ragus Packing Corporation, from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Jugs) "Net Weight 8 Fl. Oz. Mrs. Brookes Pure Salad Oil." The remainder was labeled: (Jugs) "Herold's Food Products * * * Salad Oil Contents 8 Oz."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "Contents 8 Ozs.," "Net Weight 8 Fl. Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 13 and October 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21650. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30687, 30872, 31064. Sample nos. 37795-A, 37925-A, 44129-A.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On June 30, August 7, and September 7, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agri-

culture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels and ninety-seven 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 28,, August 4, and September 3, by E. L. Watkins, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21651. Adulteration and misbranding of salad oil. U. S. v. 16 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31026. Sample no. 43648-A.)

This case involved a product which consisted chiefly of domestic cottonseed oil and which was labeled in a deceptive manner to indicate that it consisted of imported olive oil. Sample cans taken from the lot were found to contain less than 1 gallon, the labeled volume.

On August 30, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cans of salad oil at Hoboken, N.J., alleging that the article had been shipped in interstate commerce on or about July 18, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924 Italia."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924 Italia", and the statement, "Olio Finissimo La Deliziosa Brand Premiato All' Esposizione di Roma 1924", together with the designs of an olive branch and of a medal bearing picture of the King of Italy appearing in the labeling, were false and misleading and deceived and misled the purchaser when applied to a product consisting essentially of domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so for the further reason that the statement on the label, "One Gallon Net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On November 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21652. Misbranding of canned pitted cherries. U. S. v. 384 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31024. Sample no. 41003-A.)

This case involved a shipment of a product which was represented to be pitted cherries but which was found to contain excessive pits, and which was not labeled to indicate that it was substandard.

On August 31, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 384 cases of canned cherries at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Morgan Brand Water Pack Red Sour Pitted Cherries."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated

by the Secretary of Agriculture for such canned food, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 10, 1933, the claimant having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be released under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21653. Misbranding of cottonseed meal. U. S. v. 690 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31020. Sample no. 14130-A.)

This action involved a shipment of cottonseed meal which contained less than 43 percent of protein, the amount declared on the label.

On August 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 690 bags of cottonseed meal at Gaithersburg, Md., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Transit Milling Co., from Houston, Tex., to Baltimore, Md., and had been reshipped from Baltimore, Md., to Gaithersburg, Md., on or about June 14, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pinco Brand 43% Protein Cotton Seed Meal Prime Quality Manufactured by Maurice Pincoffs Company, Houston, Texas * * * Crude Protein, not less than 43%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43% Protein * * * Crude Protein not less than 43%", were false and misleading and deceived and misled the purchaser.

On September 8, 1933, Maurice Pincoffs Co., Houston, Tex., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21654. Adulteration of chocolate coatings. U. S. v. 12 Boxes of Chocolate Coatings. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31013. Sample no. 45967-A.)

This case involved a lot of chocolate coatings in which the large cakes were found to be broken, water-soaked, and caked with dried mud. Dirty, soggy wrappers were mixed through the mass, and the product also had a foul odor.

On August 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of chocolate coatings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1933, by the Warfield Chocolate Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21655. Adulteration and alleged misbranding of butter. U. S. v. 22 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30996. Sample no. 29712-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 22 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the Ada County Dairymen's Association, from Meridian, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ada County Dairymen's Assn. Meridian Idaho Bulk Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On September 5, 1933, the Ada County Dairymen's Association, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture. It was further ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reworked under the supervision of this Department, so that it meet the requirements of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21656. Misbranding of bone meal. U. S. v. 360 Bags of Cico Brand Bone Meal. Consent decree of condemnation. Product released under bond to be resacked. (F. & D. no. 30994. Sample no. 19838-A.)

This case involved an interstate shipment of bone meal that was found to be short of the labeled weight.

On August 12, 1933, the United States attorney for the District of Kansas, acting upon a report by a representative of the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of Cico brand imported steamed odorless bone meal at Topeka, Kans., alleging that the article had been shipped on or about June 16, 1933, by the Consumers Import Co., Inc., of New York, N.Y., from Galveston, Tex., to Topeka, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "C. I. Co. 100# Net. Made in Germany. Fine."

It was alleged in the libel that the article was misbranded in that each bag was represented to contain 100 pounds net weight, whereas each bag contained less than 100 pounds net weight.

On October 9, 1933, Forbes Bros. Central Mills, Topeka, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be resacked under the supervision of the Kansas State Board of Agriculture.

M. L. WILSON, *Acting Secretary of Agriculture.*

21657. Adulteration of crab meat. U. S. v. 84 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30965. Sample no. 44115-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On or about August 10, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 7, 1933, by F. H. Ayers & Son, from Norfolk, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21658. Misbranding of olive oil. U. S. v. 28 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30959. Sample nos. 45957-A, 45958-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than the declared volume.

On August 21, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cans of olive oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by A. Russo & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net [or "One Half Gallon"] Diana Brand Supervine Olive Oil. A. Russo & Co., Chicago Ill."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "One Gallon Net", and "One-half Gallon", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21659. Adulteration of tullibeas. U. S. v. 4 Boxes, et al., of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30848, 30849, 30850. Sample nos. 45760-A, 45761-A, 45762-A.)

These cases involved various lots of tullibeas that were infested with parasitic worms.

On July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 8, 1933, by Geo. Neumiller, from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On September 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21660. Adulteration of dressed tullibeas. U. S. v. 3 Boxes of Dressed Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30846. Sample no. 45751-A.)

This case involved a shipment of dressed tullibeas that were infested with parasitic worms.

On July 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of dressed tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, by Perry Toombs, from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On September 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21661. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30785. Sample no. 37906-A.)

This case involved a shipment of crab meat that was found to contain filth.

On July 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of one barrel of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 27, 1933, by Ballard Bros. Fish Co., from Exmore, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21662. Adulteration and misbranding of canned cherries. U. S. v. 90 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30720. Sample no. 38567-A.)

This case involved an interstate shipment of a product which was represented to be canned pitted cherries but which was found to contain excessive pits.

On July 15, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned cherries at Boulder City, Nev., alleging that the article had been shipped in interstate commerce on or about February 13, 1933, by John Scoweroff Sons Co. from Ogden, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Utah Valley Brand Water Red Sour Pitted Cherries."

It was alleged in the libel that the article was adulterated in that partly pitted water-pack cherries had been substituted for pitted water-pack cherries.

Misbranding was alleged for the reason that the statement, "Red Pitted Cherries", borne on the label, was false and misleading and deceived and misled the purchaser when applied to partly pitted cherries.

On October 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21663. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30642. Sample no. 42059-A.)

This action involved an interstate shipment of canned cherries in which the sugar solution of the liquid portion was below the standard established by this Department and which was not labeled to indicate that it was substandard.

On June 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned cherries at Denver, Colo., consigned by the Colorado Brokerage Co., alleging that the article had been shipped in interstate commerce on or about March 30, 1933, from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden B Brand Pitted Royal Anne Cherries. Packed by Brigham City Canning Co., Brigham City, Utah."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because its liquid portion read below 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21664. Adulteration and misbranding of canned grapefruit juice. U. S. v. 13 Cases and 11 Cans of Grapefruit Juice. Default entered. Product delivered to Veterans' Hospital. (F. & D. no. 30575. Sample no. 36199-A.)

This case involved a shipment of canned grapefruit juice which contained added sugar. Sample cans taken from the lot were found to contain less than one-half pint, the labeled volume.

On June 12, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases and 11 cans of grapefruit juice at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about May 4, 1933, the shipment having been made ex steamship *S. A. Perks*, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Scowcroft's Blue Pine Grapefruit Juice Contents One Half Pint."

It was alleged in the libel that the article was adulterated in that grapefruit juice with added sugar had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice", and "Contents One Half Pint", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct, and for the further reason that it was offered for sale under the distinctive name of another article.

On October 19, 1933, no claimant having appeared for the property, a decree was entered ordering that the product be delivered to the Veterans' Hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

21665. Adulteration of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 30287. Sample no. 25245-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 23, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson-Ricks Creamery Co., a corporation, trading at Rexburg, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 16, 1932, from the State of Idaho into the State of California, of an article of food, butter, which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 10, 1933, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21666. Adulteration and misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$50. (F. & D. no. 30271. Sample no. 1569-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 22, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frye & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 25, 1932, from the State of Oregon into the State of Washington, of an article of food, butter, which was adulterated and misbranded. The article was labeled in part: "Standard Grade Butter * * * Creamery Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Creamery Butter", and "Standard Grade Butter", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat as required by law, whereas it was not.

On October 24, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21667. Adulteration of butter. U. S. v. Otto C. Larsen (Akron Creamery Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. no. 30260. Sample no. 12455-A.)

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 16, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Otto C. Larsen, trading as the Akron Creamery Co., at Akron, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 26, 1932, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On October 16, 1933, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21668. Adulteration of evaporated apples. U. S. v. Manuel J. Davis (M. J. Davis). Plea of guilty. Fine, \$5. (F. & D. no. 30167. I.S. no. 47166.)

This case was based on an interstate shipment of evaporated apples that were found to be in part insect-infested, decomposed, and dirty.

On June 12, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Manuel J. Davis, trading as M. J. Davis and residing near Sebastopol, Calif. It was alleged in the information that on or about November 16, 1931, a quantity of evaporated apples had been shipped in interstate commerce from Sebastopol, Calif., to New Orleans, La., that the article had been sold under a contract executed by the defendant which contained a guaranty that the article conformed with the provisions of the Federal Food and Drugs Act, that the article was adulterated in violation of said act, and that the defendant was amenable to the prosecution and penalties which would, but for said guaranty, have attached to the shipper.

The information charged that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance, owing in part to the presence therein of worm excreta.

On October 4, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21669. Adulteration of evaporated apples. U. S. v. Ah Wah. Plea of guilty. Fine, \$5. (F. & D. no. 30166. I.S. no. 47165.)

This case was based on an interstate shipment of evaporated apples which were found to be in part insect-infested, decomposed, and dirty.

On June 12, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ah Wah, Sebastopol, Calif. It was alleged in the information that on or about November 16, 1931, a quantity of evaporated apples had been shipped in interstate commerce from Sebastopol, Calif., to New Orleans, La., that the article had been sold under a contract executed by the defendant, which contained a guaranty that the article conformed with the provisions of the Federal Food and Drugs Act, that the article was adulterated in violation of said act; and that the defendant was amenable

to the prosecution and penalties which would, but for said guaranty, have attached to the shipper.

The information charged that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance, owing in part to the presence therein of worm excreta.

On October 4, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21670. Misbranding of oil. U. S. v. 32 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29888. Sample no. 34895-A.)

Sample cans of oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On February 25, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cans of oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 6, 1933, by the Italian Food Products Corporation of America, from Trenton, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olio Doppia Stella La Doppia * * * Double Star Brand * * * Cooking and Table Oil * * * Net Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 5, 1933, no defense to the charges in the libel having been interposed by the claimant, the Italian Food Products Corporation of America, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21671. Adulteration and misbranding of butter. U. S. v. Casper Ardis Tooke, J. Edward Reynolds, and Charles Emery Tooke (Ruston Creamery). Pleas of nolo contendere. Sentence suspended. (F. & D. no. 29458. I.S. no. 37446.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Sample packages taken from the shipment were also found to be short weight.

On October 27, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Casper Ardis Tooke, J. Edward Reynolds, and Charles Emery Tooke, copartners, trading as the Ruston Creamery, Ruston, La., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 14, 1931, from the State of Louisiana into the State of Arkansas, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Package) "Jersey Cream Brand Butter * * * Made By Ruston Creamery Ruston, La. Pure Creamery Butter One Pound Net Weight", (wrapper on cube) "Fresh Creamery Butter 4 Ounces Net Weight."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter", "One Pound Net Weight", "4 Ounces Net Weight", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, that the packages each contained 1 pound net, and that the cubes each contained 4 ounces net, whereas the article was not butter, since it contained less than 80 percent by weight of milk fat, the packages contained less than 1 pound, and the cubes contained less

than 4 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 6, 1933, the defendants having been arraigned and having entered pleas of *nolo contendere*, the court ordered that imposition of sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

21672. Adulteration and misbranding of canned cherries. U. S. v. 26 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29176. Sample no. 14584-A.)

This case involved an interstate shipment of a product which was represented to be canned pitted cherries, but which contained an excessive amount of pits.

On November 4, 1932, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of canned cherries at Las Vegas, Nev., alleging that the article had been shipped from Ogden, Utah, in interstate commerce on or about August 25, 1932, by the Utah Canning Co., Brigham City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Golden Brand Water Packed Pitted Red Cherries."

It was alleged in the libel that the article was adulterated in that partly pitted water-pack cherries had been substituted for pitted cherries.

Misbranding was alleged for the reason that the statement, "Pitted Red Cherries," was false and misleading and deceived and misled the purchaser when applied to partly pitted cherries.

On October 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21673. Adulteration of tullibeas. U. S. v. 10 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31541. Sample no. 59684-A.)

This case involved a shipment of tullibeas that were infested with parasitic worms.

On October 19, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by Ed Tviet, from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21674. Adulteration of bluefish. U. S. v. 19 Boxes of Fish. Default decree of destruction. (F. & D. no. 31305. Sample no. 50420-A.)

On or about October 20, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nineteen 100-pound boxes of fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Lake Superior Fish Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On October 24, 1933, the court having found that the fish were spoiled and unfit for human consumption, judgment was entered *nunc pro tunc* as of October 20, 1933, ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21675. Adulteration of bluefins. U. S. v. 3 Boxes of Fish. Default decree of destruction. (F. & D. no. 31303. Sample no 42539-A.)

This case involved a shipment of bluefins that were found to be infested with worms.

On October 19, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 100-pound boxes of fish at Covington, Ky., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by the Hogstad Fish Co., from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On October 19, 1933, the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21676. Adulteration and misbranding of apple cider vinegar. U. S. v. Speas Manufacturing Co. Plea of nolo contendere. Fine and costs, \$25. (F. & D. no. 30215. Sample nos. 16627-A, 17009-A, 32719-A to 32724-A, incl.)

This case was based on several interstate shipments of a product represented to be apple cider vinegar. Examination of samples showed that one of the lots consisted of evaporated apple products, vinegar and distilled vinegar, and that the remaining lots consisted of apple cider vinegar containing added water, and in certain instances, also distilled vinegar.

On August 30, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Speas Manufacturing Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1932, from the State of Tennessee into the State of Florida, on or about April 6 and 7, 1932, from the State of Tennessee into the State of Georgia, and on or about August 7, 1932, from the State of Tennessee into the State of Kentucky, of quantities of vinegar that was adulterated and misbranded. A portion of the article was labeled in part: "Old Time Pure Apple Cider Vinegar Mfg. by Speas Mfg. Co. Memphis, Tenn." The remainder was labeled in part: "Old Time Apple Cider Vinegar Speas Mfg. Co. Kansas City and Branches."

It was alleged in the information that a portion of the article was adulterated in that a mixture of evaporated apple products, vinegar and distilled vinegar, had been substituted for pure apple cider vinegar, which the article purported to be. Adulteration was alleged with respect to the remainder for the reason that substances, added water in certain of the lots, and added water and diluted acid (distilled vinegar) in certain other lots, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for apple cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Pure Apple Cider Vinegar", with respect to a portion of the article, and the statement, "Apple Cider Vinegar", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, apple cider vinegar.

On October 21, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a penalty of \$25 in lieu of fine and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21677. Misbranding of cottonseed screenings. U. S. v. National Cottonseed Products Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 30210. Sample nos. 19803-A, 19805-A.)

This case was based on the interstate shipment of quantities of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the labels.

On July 24, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Cottonseed Products Corporation, trading at Morrilton, Ark., alleging shipment by said company on or about June 12, 1932, in the name of the Morrilton Cotton Oil Co., and on or about June 22, 1932, in the name of the Morrilton Cotton Oil Mill, from the State of Arkansas into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: (Tag) "Guaranteed Analysis Protein, not less than 43% * * * Products of cottonseed only. Manufactured For Kansas City Cake & Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein, not less than 43%", borne on the tags attached to the sacks containing the article, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article contained less than 43 percent of protein.

On October 4, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

21678. Adulteration of apple scrap. U. S. v. Washington Dehydrated Food Co. Tried to a jury. Verdict of guilty. Fine, \$50 and costs. (F. & D. no. 30208. I.S. no. 53935.)

This case was based on a shipment of apple scrap that was found to contain lead and arsenic in amounts that might have rendered it injurious to health.

On July 3, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Dehydrated Food Co., Yakima, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 17, 1931, from the State of Washington into the State of Missouri, of a quantity of apple scrap that was adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount which might have rendered the article injurious to health.

On October 5, 1933, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before a jury. On October 6, 1933, the trial was concluded, and the court submitted the case to the jury with the following instructions (Webster, *D.J.*):

"Gentlemen of the jury: Now that you have heard all of the evidence in this case, both that in behalf of the Government and that in behalf of the defendant, and have with commendable patience listened to it all, and to the arguments by counsel for the respective sides, it becomes the duty of the court to explain to you the essential elements of the charge set forth in the information in this case and to instruct you upon the applicable rules and principles of law by which you are to be guided in your deliberations, and it is your duty to accept these instructions as correct and, so far as the law in the case is concerned, to be guided by it.

"In this case the Government, the United States of America, has filed an information against the Washington Dehydrated Food Co., a corporation, wherein it seeks to recover a penalty against that company for an alleged violation of the National Pure Food and Drug law. The defendant company has filed an answer, which I will refer to later, and which will clearly cut the issue that you are to determine by your verdict in this case.

"This case is a criminal case in its characteristics, that is to say, the same presumptions attach as attach to a case where an individual is accused of violation of the law, and the same competent evidence is required in order to sustain as is required in the case of a criminal prosecution.

"The defendant in this case by its answer has put in issue the essential allegations of this charge set forth in the indictment, and the defendant is entitled to the same presumption of innocence that attaches to all persons accused of crime, and that presumption is one of the substantial and important rights of the defendant not to be ignored or lightly considered either by the court or by the jury, and is one of the safeguards that the law places upon

all persons, corporations, or concerns charged with violation of the law, and it continues with them and attaches to them throughout all stages of the trial, and throughout all stages of your deliberations until it has been met and overcome by the evidence in the case beyond all reasonable doubt, and by the expression, 'reasonable doubt', as used in these instructions, is meant just what those words in their ordinary and everyday use imply. They have no technical, mysterious legal meaning different from their ordinary meaning. A reasonable doubt is a doubt which is based upon reason or is a doubt which is not unreasonable. It is such a doubt as, if entertained by a person of ordinary prudence and decision and judgment, would allow it to have influence with him, or cause him to pause or hesitate before acting. It must be a real and substantial doubt, and it must arise out of an honest-minded, common sense, consideration, and application of the evidence in the case, or from the lack of evidence.

"If, after carefully considering, analyzing, and comparing all of the evidence in this case, you are able to say upon your oaths and consciences as jurors that from the evidence you have an abiding conviction of the defendants' guilt to a moral certainty, then you are convinced beyond all reasonable doubt, and should find a verdict of guilty; but, after considering, analyzing and comparing the evidence you are unable to say that you do have an abiding conviction of guilt but, on the contrary, there is in your mind a doubt for which you are able to assign a reason or a series of reasons satisfactory to yourselves as reasonable men, then there is a reasonable doubt, and any such doubt must be resolved in favor of the defendant company, and your verdict must be, 'not guilty.'

"You are the sole and exclusive judges of what is the evidence in the case, and of the weight and credit to be given to the testimony of each witness that testified before you. In discharging that duty you are at liberty to take into consideration the conduct, appearance, and demeanor of the witness while testifying, the apparent candor or frankness displayed by the witness, or want of those qualities, if any such want appears, the intelligence or lack of intelligence displayed by the witness, the opportunity or lack of opportunity on the part of any witness of knowing or being informed about the matters on which the witness testified, the interest or lack of interest the witness may have in the outcome of this case, the reasonableness of the story told by the witness, its probability or improbability measured by your experience in life—in short, all the circumstances attending the witness as disclosed from the witness stand, and, in the light of all those considerations, give to the testimony of each witness that fair and reasonable weight which in your practical judgments as men of commonsense it impresses you as justly entitled to receive at your hands, and no more.

"Ordinarily in the trial of cases in court, witnesses are confined to testifying to facts within their personal knowledge, and are not permitted to draw conclusions or to express opinions. That is the general rule, but to that rule there is an exception which is well established as a rule itself, and that exception is this: That where the points in issue arise out of a particular science or art concerning which there are trained minds who have special knowledge, learning or schooling in that particular field, such persons are called 'experts', and in their cases they are entitled to express opinions concerning the matters in issue. But, of course, you weigh and evaluate the testimony of experts precisely as you weigh the testimony of a nonexpert witness, taking into account its probability, the reasonableness of it, the schooling of the person giving it, the learning that he has in his profession, the breadth of his experience, and all of those things which go to give weight to or detract from the value of the testimony of the expert. It is not intended that the expert shall become a member of the jury and sit as one of your number in determining the case. His testimony is submitted for such consideration as it impresses you it is entitled to receive in order to enable you to decide the issues in the case.

"Now, as I have said, the information in the case is based upon the National Pure Food and Drugs Act, and, omitting the formal portions, it reads, 'That the Washington Dehydrated Food Co., a corporation organized and existing under the laws of the State of Washington and having its principal place of business in the City of Yakima, State of Washington, but within the southern division of the Eastern Judicial District of Washington and within the jurisdiction of this court, on or about the 17th day of September, in the year

1931, then and there in violation of the act of Congress of June 30, 1906, known as the Pure Food and Drugs Act, did unlawfully ship and deliver for shipment in railroad car REX-624, via Northern Pacific Railway Co., a corporation, a common carrier, and other connecting carriers, from the City of Yakima, State of Washington, to the City of St. Louis, State of Missouri, consigned to order of Washington Dehydrated Food Co., Notify Best Clymer Division Preserves and Honey, Inc., St. Louis, Mo., a certain consignment, to-wit, a number of unlabeled bags containing an article invoiced as 'scraps', and billed as 'evaporated apple scraps', and designed and intended to be used as an article of food, to-wit, apple pomace. That said article of food, when shipped and delivered for shipment as aforesaid, was then and there adulterated within the meaning of said act of Congress in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in an amount which may have rendered said article injurious to health, contrary to the form of the statute in such case made and provided.'

"The defendant company filed a plea and answer in the case in which it says that it admits that it is a corporation organized under the laws of the State of Washington, with its principal place of business in Yakima, and at the time mentioned in the information shipped in railroad car REX-624, via Northern Pacific Railway Co. and other connecting carriers from Yakima, Wash., to St. Louis, Mo., consigned to its order, Notify Best Clymer Division Preserves and Honey, Inc., St. Louis, a consignment consisting of a number of unlabeled bags containing an article invoiced as 'scraps' and billed as 'evaporated apple scraps', and referred to and called 'apple pomace', but denies each and every other allegation and charge set forth in the information.

"Section 2 of the National Food and Drugs Act provides: 'The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meanings of this act, shall be punished as the statute prescribes.'

"You will notice that the offence consists of two elements, (1), that of shipping in interstate commerce a thing that this statute defines as adulterated food, product or commodity, and the nature of the adulteration alleged in the indictment in this case that it contained poisons, namely, arsenic and lead, to the extent that the substance in question was injurious to health.

"Now, the statute upon which this indictment is based defines food for the purposes of this act in this language: 'The term "food", as used in said sections (referring to the sections in question here), shall include all articles used for food, drink, confectionery by man or other animals, whether simple, mixed or compound.'

"Now, the burden is upon the Government in this case to establish that the apple pomace in question here was an adulterated food substance or commodity, and the statute defines a large number of classes of adulterated food, but the portion of the statute in violation in this case reads as follows: 'If it contains any added poisonous or other added deleterious ingredients which may render such article injurious to health, it is adulterated.' Now, you will notice that the definition of the word 'food' includes, 'articles used for food either by man or other animals', and in view of that fact, it becomes necessary for me to separate this case into its two branches and to instruct you upon the rules of law applicable to each because of the character of the substance with which we are dealing here.

"There is evidence in this case tending to show that apple pomace such as was shipped in this case is suitable for and is used as a food for animals, namely, dairy cow, and the question for you to determine in the aspect of whether it is injurious to health, of course, has to do with the health of the class of animals involved. In the case of the article being used by human beings and for human consumption, the standard of adulteration must be measured as human health, whereas if it is used for food for animals, it must be considered by the standard of health of the animals which use it or to which it is fed.

"Now, the pomace in the form in which it was shipped in this case is shown to have been used as food in the feeding of cows, and consequently, your question will have to do with this point: Was the pomace which was shipped in this case adulterated in that it had a sufficient quantity of arsenic and lead, or arsenic or lead to render it injurious to the health of animals of that character?

"Now, this substance, while it is not consumed by man in the state in which it was shipped in this case, but required to be used and processed and put in a modified form before it was used for human consumption, I instruct you, as a matter of law, that it was a human food within the meaning of this statute, and the question for you to determine in this case is this: Since the commodity as shipped is not used by human beings as food, but is converted into other substances that are concocted or extracted from it, the question is, was that substance in the form in which it would have to be placed to be fit for human consumption adulterated in the meaning of this statute? If the thing as shipped to St. Louis, if this substance, this apple pomace, in order to be rendered fit for use as human food had to be put through a process which was of a kind essentially and inherently to reduce in whole or in part the arsenic or lead, or arsenic and lead which was upon it to a point where it was not injurious to public health in the form in which it would be consumed by human beings, it would not be an adulterated product within the meaning of this statute. But if, after it had been processed, if after it had been placed in the form in which it was intended to be used and consumed by human beings it did contain arsenic and lead, or arsenic or lead, to the extent that its consumption by human beings would be injurious to human health, then it is an adulterated food within the meaning of this statute, and your verdict should be accordingly. Of course, in determining the standard of health in the case of the consumption of the thing by man, the standard is human health, and in considering the consumption of the food by animals, it is the standard of health of the kind of animals which consume it, and in determining that standard you must take into consideration the entire class involved, the old and the young, the weak and the strong, and the sick and the well, and look at it in that light, and if it is a substance which, if administered to animals or consumed by man renders it injurious to the health of either, then the substance is adulterated within the meaning of this statute, and its transportation in interstate commerce constitutes a violation of this law.

"It will require the concurrence of the entire jury in order to return a verdict. When you retire to your jury room you will select one of your number as foreman who will sign your verdict when it is agreed upon, and who will represent you as your spokesman in the further proceedings in this case.

"There has been prepared for your convenience a blank form of verdict, and wherever the word 'guilty' appears in this form, immediately preceding it there is a space underscored on the typewriter in which the word 'not' can be inserted in the event your verdict is 'not guilty'. You will, of course, understand that the form of this verdict is not intended to indicate anything as to what is expected of you in the decision of the case. It is prepared in this way only for a matter of convenience, it being easier to write in words than it is to erase them.

"Now, gentlemen of the jury, in considering this case, it is necessary to remind you that the laws of the United States are made to be enforced in cases where they are violated, and the outside and extraneous considerations that may enter into it have no place in the minds of honest jurors. The question in this case as a matter of law is the question as I have defined it for you, and the question of guilt or innocence in this case depends upon whether the proof brings this transaction within its legal principles. If it does, your verdict must be measured carefully, and leave the extraneous consequences of your verdict rest where they belong—upon the Government and the makers of the statute, but not substitute your judgment for the wisdom of the laws or lawmaking body and write them out of the books. By this I mean to say to you nothing about the merits of the case. If you believe beyond a reasonable doubt that the guilt of this defendant has been proven, no matter how serious the consequences of the violation may be, it is equally your duty to return a verdict of guilty. Let your verdict be what the name implies, a finding of the truth, and when finding it, declare it. If you are convinced beyond all reasonable doubt, just declare it. If you entertain a reasonable doubt of the guilt having been established, then, by the same token, declare that." (Bailiffs duly sworn and jury retired.)

The jury after deliberation returned a verdict of guilty with a recommendation that a nominal fine be imposed. On October 12, 1933, a motion for a new trial was denied, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21679. Adulteration of butter. U. S. v. William Madsen and Ralph B. Young (Cole Camp Creamery). Pleas of guilty. Fines, \$20. (F. & D. no. 30198. Sample no. 3566-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 5, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Madsen and Ralph B. Young, copartners trading as the Cole Camp Creamery, Cole Camp, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 29, 1932, from the State of Missouri into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On October 13, 1933, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

21680. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30196. Sample no. 14780-A.)

This case was based on a shipment of canned salmon that was in part decomposed.

On September 22, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Year Round Canneries Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 6, 1932, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Tall Cans Red Ayroco."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21681. Adulteration of butter. U. S. v. Jersey Butter Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 30193. Sample nos. 8156-A, 8210-A.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 12, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Jersey Butter Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27, 1932, and May 9, 1932, from the State of Maryland into the State of Pennsylvania, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21682. Adulteration of dried grapes. U. S. v. Melville B. Levi (Rosemead Fruit Co.). Plea of guilty. Fine, \$50. (F. & D. no. 30128. I.S. no. 22890.)

This case was based on an interstate shipment of dried grapes that were in part insect-infested and dirty.

On August 8, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Melville B. Levi, trading as the Rosemel Fruit Co., alleging shipment by said defendant on or about January 6, 1932, from the State of California into the State of Washington, of a quantity of dried grapes that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance, owing to dirt and insect infestation.

On October 24, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21683. Adulteration and misbranding of apple butter. U. S. v. 9 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30050. Sample nos. 4622-A, 33972-A.)

On April 6, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of apple butter at Grand Rapids, Mich., alleging that the article was misbranded in violation of the Food and Drugs Act as amended. On May 22, 1933, an amended libel was filed charging that the article was also adulterated. The libels charged that the article had been transported in interstate commerce by Preserves & Honey, Inc., on or about February 2, 1933, from St. Louis, Mo., into the State of Michigan. The article was labeled in part: (Jar) "Shady Dell Brand Pure Apple Butter, Net Weight 2 lb. 6 oz."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of filthy vegetable and animal substances.

Misbranding was alleged for the reason that the statement, "Net Weight 2 lb. 6 oz.", borne on the jar label, was false and misleading and deceived and misled the purchaser, since the jars contained less than so declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1933, the claimant, Preserves & Honey, Inc., St. Louis, Mo., having withdrawn its claim and answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21684. Adulteration of canned tomatoes. U. S. v. 567 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31014. Sample no. 40859-A.)

This case involved an interstate shipment of canned tomatoes that were found to contain maggots.

On August 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 567 cases of canned tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Seaside Canning Co., from Ocean City, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Turkey Red Brand Tomatoes, * * * Packed by Seaside Canning Co., Ocean City, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21685. Adulteration of canned shrimp. U. S. v. 140 Cases, et al., of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 30951, 30957, 31040. Sample nos. 41004-A, 41005-A, 41012-A, 41013-A, 42381-A.)

These cases involved interstate shipments of canned shrimp that was found to be in part decomposed.

On August 17, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of canned shrimp at Cincinnati, Ohio. On August 17 and September 1, 1933, the United States

attorney for the District of Minnesota filed libels against 213 cases of canned shrimp at St. Paul, Minn. It was alleged in the libels filed in the District of Minnesota, that the article had been shipped in interstate commerce by the Biloxi Canning & Packing Co., of Biloxi, Miss., in part from Biloxi, Miss., on or about June 27, 1933, and in part from New Orleans, La., on or about July 1, 1933. The records indicate that the lot seized at Cincinnati, Ohio, was also shipped by the Biloxi Canning & Packing Co., from Biloxi, Miss., on or about July 19, 1933. The article was labeled in part: "B C P Brand [or "Fountain's Choice Brand" or "Biloxi Miss Brand"] Shrimp * * * Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss."

The libels charged that the article was adulterated in violation of the Food and Drugs Act in that it consisted in part of a decomposed animal substance.

On October 3, 5, and 14, 1933, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21686. Adulteration of tullibeas. U. S. v. 4 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31304. Sample no. 45975-A.)

This case involved a shipment of tullibeas that were infested with parasitic worms.

On September 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. Arneson, from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21687. Adulteration of huckleberries. U. S. v. A Quantity of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 31171. Sample nos. 42663-A, 50254-A.)

This case involved a shipment of huckleberries that were filthy or decomposed.

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of huckleberries at Cincinnati, Ohio, consigned by H. A. (or H. E.) Roudabush, alleging that the article had been shipped in interstate commerce on or about August 7, 8, and 9, 1933, from Shenandoah, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. A. Roudabush [or "H. E. Roudabush"] Shenandoah, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a putrid, filthy, and decomposed vegetable substance.

On October 17, 1933, no claimant having appeared for the property, judgment was entered nunc pro tunc, as of September 18, 1933, ordering that the product be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21688. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$200. (F. & D. no. 30156. Sample nos. 8505-A, 8506-A.)

Sample packages of butter taken from the shipment on which this case was based were found to contain less than 1 pound, the labeled weight.

On June 2, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Evansville, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 13, 1932, from the State of Indiana into the State of Pennsylvania, of a quantity of butter

that was misbranded. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Full Weight One Pound General Offices Danville, Ill. * * * Sugar Creek Creamery Company"; (parchment wrapper of portion) "One Pound Net Weight."

It was alleged in the information that the article was misbranded in that the statement, "Full Weight One Pound", borne on the cartons, and the statement, "One Pound Net Weight", borne on the parchment wrappers of portions of the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On October 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21689. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31102. Sample no. 40335-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by Mondovi Butter Association, from Mondovi, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On September 12, 1933, Leserman Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21690. Adulteration of butter. U. S. v. 28 Tubs and 161 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 31201, 31203. Sample nos. 40339-A, 40350-A.)

These cases involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 15 and September 20, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 189 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8 and August 18, 1933, by the Eureka Creamery Co., from Eureka, S.Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 4, 1933, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21691. Adulteration and misbranding of vegetable or salad oil. U. S. v. 14 Cans of Vegetable Oil and 16 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31219, 31231. Sample nos. 51317-A, 51319-A.)

These cases involved interstate shipments of two lots of oil which was labeled to convey the impression that it was olive oil of foreign origin but which consisted principally of cottonseed oil, with a small quantity of olive oil present in one of the lots and little if any olive oil in the other. Sample cans taken from the shipment were found to contain less than 1 gallon, the labeled volume.

On October 7 and October 11, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cans of vegetable oil at Paterson, N.J., and 16 cans of salad oil at Hackensack, N.J., alleging that the article had been shipped in interstate commerce on or about August 31 and September 6, 1933, by H. J. Staiti, Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Net Contents One Gallon."

It was alleged in the libels that the article was adulterated in that cottonseed oil with a small quantity of olive oil in one of the lots and little if any olive oil in the other had been substituted for olive oil, which the label implied the article to be.

Misbranding was alleged for the reason that the statements, "La Vergine Brand Finest Quality Oil Lucca Qualita extra Fina Insuperabile Per Tavola, Cucina, etc. Extra fine quality oil insuperable for table, cooking, etc.", together with the design of an olive tree, a woman holding a jug of green oil suggesting olive oil, and a picture of a foreign scene, appearing on the label, were false and misleading and deceived and misled the purchaser when applied to a product consisting essentially of domestic cottonseed oil. Misbranding was alleged for the further reason that the statement, "Net Contents One Gallon", on the label, was false and misleading, for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 1 and November 16, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21692. Adulteration of canned salmon. U. S. v. 38 Cases and 20 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31207. Sample nos. 48995-A, 48996-A.)

This case involved an interstate shipment of canned salmon that was found to be in large part decomposed.

On October 4, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1933, by the Union Fisherman's Cooperative Packing Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Seeman Bros. Famous White Rose Columbia River Chinook Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21693. Adulteration of apples. U. S. v. 26 Bushels of Apples. Consent decree of destruction. (F. & D. no. 31206. Sample no. 57778-A.)

This case involved an interstate shipment of apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On September 11, 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 26 barrels of apples at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 6, 1933, by J. R. Bever, Public Market, Tulsa, Okla., from Gentry, Ark., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added arsenic, which might have rendered it deleterious to health.

On October 7, 1933, the intervener having consented to the entry of the decree, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21694. Misbranding of sirup. U. S. v. 12 Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31199. Sample no. 51006-A.)

Sample cans of sirup taken from each of the three sizes involved in this case were found to contain less than the labeled volume.

On October 5, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of sirup at Laramie, Wyo., alleging that the article had been shipped in interstate commerce on or about August 24 and 30, 1933, by the Morey Mercantile Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Valley Brand Table Syrup Maple Flavor * * * Net Contents 1 Pint 10 Ozs. [or "3 Pints 11 Ozs." or "7 Pints 11 Ozs.]."

It was alleged in the libel that the article was misbranded in that the cans were labeled: "1 Pint 10 Ozs." or "3 Pints 11 Ozs." or "7 Pints 11 Ozs.," whereas they contained less than the amount so designated on the labels. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages, since the cans contained less than declared.

On October 23, 1933, the Morey Mercantile Co., Denver, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21695. Misbranding of coffee. U. S. v. 41 Cans of Coffee. Default decree of condemnation. Product ordered delivered to charitable organization. (F. & D. no. 31127. Sample no. 46304-A.)

Sample cans of coffee taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On September 21, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cans of coffee at Tallulah, La., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by MacGowan Coffee Co., from Jackson, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "MacGowan's Best Brand Dark Roast Coffee One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement of weight was incorrect.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

21696. Adulteration of cauliflower. U. S. v. 6 Cases of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 31109. Sample no. 46682-A.)

This case involved a shipment of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.

On August 18, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of cauliflower at Monro, La., alleging that the article had been shipped in interstate commerce on or about August 8, 1933, by Z. J. Fort Produce Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous and deleterious ingredient, which might have rendered it injurious to health.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21697. Adulteration and misbranding of canned turnip greens. U. S. v. 25 Cases of Canned Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31095. Sample no. 49526-A.)

This case involved a shipment of canned turnip greens that were found to be insect-infested. Sample cans taken from the lot were found to contain less than the labeled weight.

On September 15, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned turnip greens at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about June 28, 1933, by Dorgan-McPhillips Packing Corporation, from Biloxi, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "American Lady Brand Turnip Greens Contents One Lb. Four. Oz."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Contents One Lb. Four Oz.", was false and misleading, and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21698. Adulteration of apple pomace. U. S. v. 300 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31080. Sample no. 45965-A.)

This case involved an interstate shipment of apple pomace that contained lead and arsenic in amounts that might have rendered it injurious to health.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 20, and 26, 1933, by S. R. Deyo Co., from Kingston, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, lead and arsenic, in amounts which might have rendered the article injurious to health.

On December 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21699. Adulteration of canned pineapple. U. S. v. 118 Cases of Canned Pineapple. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31059. Sample no. 49484-A.)

This case involved an import shipment of canned pineapple that was found to be decomposed.

On September 6, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of canned pineapple at St. Louis, Mo., alleging that the article had been shipped by the Cuban Canning Co., from Naranjita, Havana, Cuba, to New Orleans, La., that it had been reshipped from New Orleans to St. Louis, Mo., on or about July 8, 1933, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Palmeras Sliced Havana Pineapple * * * Packed by the Cuban Canning Co., Naranjito, Havana, Cuba."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On October 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21700. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31032. Sample no. 40763-A.)

This action involved the interstate shipment of a product which was represented to be pitted cherries, but which was found to contain excessive pits. The article was packed in a solution that did not contain sufficient sugar to bring the liquid portion up to the standard prescribed by this Department, and was not labeled to indicate that it was substandard. Sample cans taken from the shipment were also found to contain less than 7 pounds, the labeled weight.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents Seven Lbs. Alola Brand Red Pitted Cherries."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents Seven Lbs.", was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of excessive pits and because the liquid portion read below 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that such canned food fell below such standard.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21701. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of destruction. (F. & D. no. 30989. Sample no. 42842-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. The packages containing the article failed to bear a statement on the label of the quantity of the contents.

On August 4, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Kansas City, Mo., alleging that the article had been shipped in interstate-

commerce on or about August 1, 1933, by the R-K Creamery, from Atchison, Kans., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it contained less than 80 percent by weight of butterfat, the standard for butter established by the act of March 4, 1923.

Misbranding was alleged for the reason that the article failed to bear a plain and conspicuous statement of the net weight.

On September 30, 1933, no claimant having appeared for the property and the court having found that the butter had deteriorated and was unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21702. Adulteration of currants. U. S. v. 5 Cases of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30937. Sample no. 45739-A.)

This case involved a shipment of currants that bore arsenic and lead in amounts that might have rendered them injurious to health.

On July 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of currants at Chicago, Ill., alleging that the article had been shipped on or about June 28, 1933, by Fred Kretchman, from Berrien Springs, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21703. Adulteration of crab meat. U. S. v. 212 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30936. Sample no. 44109-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On or about August 3, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by Ballard Bros. Fish Co., from Exmore, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

In November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21704. Adulteration of butter. U. S. v. 42 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30919. Sample nos. 48732-A, 48735-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 18, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 42 cubes of butter at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, by the Coeur d'Alene Creamery Co., from Coeur d'Alene, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was deficient in butterfat, that is, that it was below the standard required by law.

On September 5, 1933, the Coeur d'Alene Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21705. Adulteration of crab meat. U. S. v. 106 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30917. Sample no. 44103-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On or about July 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 25, 1933, by the Marshall Seafood Co., from Manteo, N.C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21706. Adulteration of crab meat. U. S. v. 124 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30916. Sample no. 44102-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On or about July 27, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 24, 1933, by George A. Philpotts from Mobjack, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21707. Misbranding of canned tomatoes. U. S. v. 40 Cases of Canned Tomatoes. Product delivered to charitable organizations. (F. & D. no. 30895. Sample no. 39867-A.)

This case involved an interstate shipment of canned tomatoes which contained excessive peel and blemishes, and which were not labeled to indicate that they were substandard.

On or about August 12, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned tomatoes at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about July 24, 1933, by the Cherokee Products Co., from Beaufort, S.C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Realm Vine Ripened Tomatoes."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excessive peel and blemishes, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it was substandard.

On November 3, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed. The decree pro-

vided, however, that the goods might be delivered to various charitable organizations in lieu of destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

21708. Adulteration of powdered pectin. U. S. v. 8½ Pounds of Powdered Citrus Pectin. Default decree of condemnation and destruction. (F. & D. no. 30894. Sample no. 39994-A.)

This case involved an interstate shipment of powdered pectin that was found to contain lead in an amount that might have rendered the article injurious to health.

On August 11, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8½ pounds of powdered citrus pectin at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about December 31, 1932, by the California Fruit Growers Exchange, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On October 13, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21709. Adulteration of tullibeas. U. S. v. 10 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30847. Sample no. 45759-A.)

This case involved a shipment of tullibeas that were infested with parasitic worms.

On July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 8, 1933, by John Neumiller, from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On September 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21710. Adulteration of butter. U. S. v. 6 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30837. Sample no. 40689-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On July 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the Goldfield Cooperative Creamery Association, from Goldfield, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21711. Adulteration of crab meat. U. S. v. 76 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30832. Sample no. 37597-A.)

This case involved an interstate shipment of crab meat that was found to contain filth and was also in part decomposed.

On July 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1933, by G. N. Baker & Co. from Belhaven, N.C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21712. Misbranding of canned salmon. U. S. v. 100 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30812. Sample no. 48620-A.)

This case involved a shipment of canned salmon which was labeled to convey the impression that it was red salmon but which was found to consist of coho, a lower grade salmon.

On August 3, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on August 31, 1933, an amended libel, praying seizure and condemnation of 100 cases of canned salmon at Jacksonville, Tex., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Pacific American Fisheries, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel as amended that the article was misbranded in that the statement on the label, "Red Breast Brand Select Salmon Cutlet Natural Red Color and Oil", was false and misleading and deceived and misled the purchaser, since it created the impression that the product consisted of the variety of salmon known as red salmon *Oncorhynchus nerka*, whereas it consisted of coho salmon *Oncorhynchus kitsutch*, a different species or variety, with a small amount of pale yellowish oil.

On October 2, 1933, the Dublin Grocery Co., Jacksonville, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21713. Adulteration and misbranding of mayonnaise. U. S. v. 150 Cases, 8-Oz. Jars; and 195 Cases, 3-Oz. Jars of Mayonnaise. Consent decree of condemnation and destruction. (F. & D. no. 30777. Sample nos. 40137-A, 40138-A.)

This case involved a shipment of mayonnaise that contained added water and foreign gum. Examination also showed that the jars contained less than the declared weights.

On July 29, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 345 cases of mayonnaise at Pittsburgh, Pa., alleging that the article had been shipped on or about May 11, 1933, by the Aunt Almira's Products Co., from Burlington, Vt., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (3-oz. and 8-oz. jars) "Aunt Almira's Mayonnaise, * * * 8 Oz [or "3 Oz"] Aunt Almira's Products Co., Burlington, Vt."

It was alleged in the libel that the article was adulterated in that water and gum had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding of the article was alleged for the reason that the statements, "Mayonnaise", "8 Oz.", and "3 Oz.", were false and misleading and deceived and misled the purchaser which when applied to an article containing added gum and water and which was short of the declared weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 25, 1933, the intervener having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21714. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 30770. Sample no. 43264-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 6, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 tubs of butter at New Haven, Conn., alleging that the article had been shipped in interstate commerce on June 20, 1933, by the Fairmont Creamery Co., from Guthrie, Okla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Glenwood Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation was entered. The court, having found that the butter was in good condition and fit for food, ordered that it be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

21715. Adulteration of canned salmon. U. S. v. 214 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30737. Sample no. 37654-A.)

This case involved a shipment of canned salmon, variously coded. Samples taken from one of the codes were found to be decomposed.

On July 17, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 214 cases of canned salmon at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 13, 1931, by R. E. Cotter Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Seaprise Brand Pink Select Alaska Salmon. * * * Distributed by R. E. Cotter Co. Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 16, 1933, Frey & Son, Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be disposed of in violation of the Food and Drugs Act. All decomposed salmon was segregated under the supervision of this Department and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21716. Adulteration of canned mustard greens. U. S. v. 30 Cases of Canned Mustard Greens. Consent decree of destruction. (F. & D. no. 30732. Sample no. 35868-A.)

This case involved an interstate shipment of canned mustard greens that were found to be infested with bugs and worms.

On July 15, 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned mustard greens at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about April 24, 1933, by the Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thrift Brand Mustard Greens * * * Thrift Packing Co., Dallas, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 9, 1933, the shipper and the consignee having waived all rights to the product and no other intervener appearing, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21717. Adulteration of dressed tullibeas. U. S. v. 90 Boxes of Dressed Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30730. Sample no. 45728-A.)

This case involved a shipment of dressed tullibeas that were infested with parasitic worms.

On June 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 boxes of dressed tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 22, 1933, by Gordon Miller, from Baudette, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21718. Adulteration of apple pomace. U. S. v. 400 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30696. Sample no. 43120-A.)

This case involved an interstate shipment of apple pomace which contained lead in an amount which might have rendered the article injurious to health.

On July 5, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 400 bags of apple pomace at Hillside, N.J., alleging that the article had been shipped in interstate commerce on or about June 15, 1933, by Walter H. Hildick Co., from Lyons, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21719. Adulteration of crab meat. U. S. v. 5 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30684. Sample no. 37792-A.)

This case involved a shipment of crab meat that was found to contain filth.

On June 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five barrels of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 27, 1933, by Geo. A. Philpotts, from Mobjack, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21720. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$250 and costs. (F. & D. no. 30294. I.S. no. 12634.)

This case was based on the interstate shipment of canned salmon that was found to be in part tainted or stale.

On October 23, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 16, 1931, from the State of Washington into the State of Oregon, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21721. Misbranding of peanut meal. U. S. v. Wilkins-Rogers Milling Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 30290. Sample no. 17790-A.)

This case was based on an interstate shipment of peanut meal that contained less protein and more crude fiber than declared on the label.

On September 8, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia, an information against the Wilkins-Rogers Milling Co., Inc., trading at Georgetown, D.C., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 15, 1932, from the District of Columbia into the State of Maryland, of a quantity of peanut meal that was misbranded. The article was labeled in part: (Tag) "Wilroco 45% Peanut Meal Manufactured for Wilkins-Rogers Milling Company, Washington, D.C. Analysis Minimum Protein 45% * * * Maximum Fibre 6%."

It was alleged in the information that the article was misbranded in that the statements, "45% Peanut Meal", "Analysis Minimum Protein 45%", "Maximum Fibre 6%", borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 45 percent of protein and more than 6 percent of crude fiber.

On September 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21722. Adulteration of butter. U. S. v. Lisbon Cooperative Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30266. Sample no. 20780-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 2, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lisbon Cooperative Creamery Co., a corporation, Dewitt, Iowa, alleging shipment by said company under the name of the Lisbon Creamery Co., in violation of the Food and Drugs Act, on or about January 12, 1933, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for

butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 31, 1933, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21723. Adulteration and misbranding of butter. U. S. v. Charles Russell Parrish and Richard Henrik Nelson (Valley Creamery, Ltd.), Pleas of guilty. Fine, \$26. (F. & D. no. 30230. Sample no. 24299-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Russell Parrish and Richard Henrik Nelson, trading as Valley Creamery, Ltd., at Milford, Utah, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 22, 1932, from the State of Utah into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Valley Creamery, Ltd. Milford, Utah Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement, "Butter", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent of milk fat as required by law, whereas it was not.

On October 14, 1933, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

21724. Alleged misbranding of flour. U. S. v. Fant Milling Co. Tried to the court. Judgment of not guilty. (F. & D. no. 27563. I.S. nos. 35464, 35465.)

This case was based on an interstate shipment of flour that was charged to be short weight.

On April 27, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fant Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 7, 1931, from the State of Texas into the State of Louisiana, of a quantity of flour that was deemed to be misbranded. A portion of the article was labeled in part: "Fant's Famous Flour * * * Fant Milling Co. Sherman, Texas, * * * Net 24 Lbs." The remainder was labeled in part: "Red Elephant * * * Hard Wheat Flour Fant Milling Co. Sherman, Texas, * * * 98 Lbs."

It was alleged in the information that the article was misbranded in that the statements, "24 Lbs. Net", and "98 Lbs. Net", borne on the sacks, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 24 pounds and 98 pounds net, respectively. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1933, the case came on for trial before the court, and a judgment of not guilty was rendered.

M. L. WILSON, *Acting Secretary of Agriculture.*

21725. Adulteration of canned salmon. U. S. v. Chinook Packing Co. Plea of guilty to first count of information. Fine, \$50 and costs. (F. & D. no. 30209. Sample nos. 1776-A, 1780-A, 1783-A, 1784-A, 1786-A, 1788-A, 1789-A.)

This case was based on interstate shipments of canned salmon that was found to be in part tainted or stale.

On July 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the

district court an information in seven counts against the Chinook Packing Co., a corporation, Chinook, Wash., alleging shipment by said company in violation of the Food and Drugs Act, between the dates of August 12 and August 25, 1932, from the State of Washington into the State of Oregon, of quantities of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On September 29, 1933, a plea of guilty to the first count of the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21726. Adulteration of apples. U. S. v. 26 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31714. Sample no. 64014-A.)

This case involved a shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On November 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 12, 1933, by D. H. Flagg, from Ganges, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21727. Adulteration of apples. U. S. v. 93 Boxes of Apples. Default decree finding product adulterated and ordering that it be washed and delivered to a welfare organization. (F. & D. no. 31648. Sample no. 51045-A.)

This case involved an interstate shipment of apples that were found to bear lead in an amount that might have rendered the article injurious to health.

On October 17, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 boxes of Jonathan apples at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about October 8, 1933, by Lee Atkinson, from Buhl, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered the article injurious to health.

On November 28, 1933, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that the apples be washed or cleaned to remove the deleterious substance and delivered to a welfare organization for distribution in charitable work.

M. L. WILSON, *Acting Secretary of Agriculture.*

21728. Misbranding of potatoes. U. S. v. 83 Sacks and 165 Sacks of Potatoes. Default decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31630. Sample no. 59878-A.)

This case involved an interstate shipment of potatoes which were represented to be United States Grade No. 1 and which were found to be below grade because of excessive grade defects.

On or about November 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 248 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 13, 1933, by R. V. Choznacky Co., from Jerome City, Idaho, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Selected U. S. No. 1 Idaho Grown Potatoes."

It was alleged in the libels that the article was msbranded in that the statement on the tag, "U. S. Number 1", was false and misleading and deceived and misled the purchaser.

On November 28, 1933, the two libels having been consolidated into one cause of action, and Diercks, Huxtable & Baldwin, Chicago, Ill., claimants, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants for relabeling under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21729. Adulteration and misbranding of potatoes. U. S. v. 266 Bags of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31618. Sample no. 59876-A.)

This case involved an interstate shipment of potatoes which were represented to be United States grade No. 1, but which were found to be below grade because of excessive grade defects.

On or about November 24, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 bags of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1933, by Chris Christensen, from Shelley, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "US Number One, Selected Idaho Indian Chief Potatoes, Chris Christensen Produce Co., Shelley, Idaho."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted for it.

Misbranding was alleged for the reason that the statement on the label, "US Number 1", was false and misleading and deceived and misled the purchaser.

On November 24, 1933, S. Friedman & Sons, Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants to be relabeled under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21730. Adulteration of butter. U. S. v. Joe S. McIlhaney (McIlhaney Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30165. Sample no. 12021-A.)

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 18, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe S. McIlhaney, trading as McIlhaney Creamery Co., Lubbock, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 21, 1932, from the State of Texas into the State of New York, of an article of food, butter, which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21731. Misbranding of canned tomatoes. U. S. v. 996 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31553. Sample nos. 50128-A, 55400-A.)

This case involved an interstate shipment of canned tomatoes in which the cans were not filled to the standard promulgated by this Department, and which were not labeled to indicate that they were slack filled.

On November 8, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 996 cases of canned tomatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 7, 1933, by W. L. Wheatly, from Clayton, Del., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tropic Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, because the cans were slack filled, and the label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 13, 1933, W. L. Wheatly, Clayton, Del., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21732. Misbranding of Mrs. Tucker's shortening. U. S. v. 95 Cartons of Mrs. Tucker's Shortening. Product released under bond. (F. & D. no. 31214. Sample no. 46400-A.)

Sample packages of shortening taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On October 11, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cartons, each containing 30 packages of Mrs. Tucker's shortening, at Texarkana, Ark., alleging that the article had been shipped in interstate commerce in various lots on or about August 25, September 7, September 13, and September 25, 1933, by the Interstate Cotton Oil Refining Co., from Sherman, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mrs. Tucker's Shortening 1 lb. net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 lb. net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 15, 1933, the Interstate Cotton Oil Refining Co. having appeared as claimant for the property and having executed a bond in the sum of \$250, conditioned that the claimant pay costs of the proceedings and that the article should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws, it was ordered by the court that the product be delivered to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

21733. Adulteration of apples. U. S. v. 51 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31589. Sample nos. 59563-A, 59567-A.)

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 51 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1933, by O. L. Ensfield, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21734. Adulteration of canned frozen eggs. U. S. v. Swift & Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29339. I.S. no. 39524.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On November 3, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 21, 1931, from the State of Maryland into the District of Columbia, of a quantity of canned frozen eggs that were adulterated. The article was labeled in part: "American Albumen Corporation Frozen Eggs. Mixed Eggs * * * New York-Dallas."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On December 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21735. Adulteration and misbranding of grated cheese. U. S. v. Ehrat Food Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 28171. I.S. nos. 20765, 24848.)

This case was based on interstate shipments of a product which was represented to be grated American cheese but which was found to consist of cheese containing skimmed milk solids or a product high in lactose.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ehrat Food Corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 29, 1931, from the State of Illinois into the State of Ohio and on or about May 13, 1931, from the State of Illinois into the State of Missouri, of quantities of grated cheese that was adulterated and misbranded. A portion of the article was labeled: "Riviera Finest Grated American Cheese Net weight 1½ Oz. When Packed." The remainder was labeled: "Ehrat's Grated American Cheese Made From Finest American Cheese Net Weight 1½ Oz. when packed."

It was alleged in the information that the article was adulterated in that a substance, skimmed milk solids containing lactose, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product composed of whole American cheese and skimmed milk solids containing lactose had been substituted for grated American cheese, which the article purported to be, for the further reason that a substance other than the article and containing lactose, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that whole American cheese containing an added product high in lactose had been substituted for grated American cheese, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Finest Grated American Cheese", "Grated American Cheese", "Net Weight 1½ Oz.", borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not consist wholly of grated American cheese, and the packages contained less than 1½ ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not

plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On December 13, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21736. Misbranding of peanut butter and salad mustard. U. S. v. Curtiss Candy Co. Plea of guilty. Fine, \$50. (F. & D. no. 29386. I.S. nos. 12777, 36433.)

This case was based on interstate shipments of peanut butter and salad mustard that were found to be short weight.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Curtiss Candy Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 29, 1931, from the State of Illinois into the State of Washington, of a quantity of peanut butter, and on or about August 13 and August 15, 1931, from the State of Illinois into the State of Indiana, of quantities of salad mustard, which products were misbranded. The articles were labeled respectively: "De Lish Net Wt. 1 Lb. Peanut Butter Curtiss Candy Co., Chicago, Ill."; "De Lish Net Wt. 2 Lbs. Salad Mustard Curtiss Candy Co. Chicago, Ill."

It was alleged in the information that the articles were misbranded in that the statements on the labels, "Net Wt. 1 Lb." and "Net Wt. 2 Lbs.", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the jars of peanut butter contained less than 1 pound net, and the jars of salad mustard contained less than 2 pounds net. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements of weight were incorrect.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21737. Adulteration of apple pomace. U. S. v. 230 Sacks of Apple Pomace. Default decree of destruction. (F. & D. no. 31143. Sample no. 42684-A.)

This action involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered the article injurious to health.

On September 21, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 sacks of apple pomace at Louisville, Ky., alleging that the article had been shipped on or about August 23, 1933, from Medina, N.Y., having been consigned by W. E. Mathes Vinegar Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 17, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21738. Adulteration of apples. U. S. v. 490 Bushels and 526 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for washing. (F. & D. nos. 31246, 31652. Sample nos. 55908-A, 59402-A, 59453-A.)

These cases involved interstate shipments of apples that were found to contain arsenic and lead in amounts that might have rendered the article injurious to health.

On or about September 26 and November 2, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,016 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce from Hart, Mich., in part on or about September

15, 1933, by Thomas S. Smith, and in part on or about September 29, 1933, by Thomas S. Smith Co., and charging adulteration in violation of the Food and Drugs Act. The former libel charged that the article contained arsenic and was amended because examination subsequent to its filing showed the presence of lead as well as arsenic.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 14, 1933, the cases having been consolidated and Thomas S. Smith & Co., Hart, Mich., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that the apples be washed under the supervision of this Department in order to remove the deleterious ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*

21739. Adulteration and misbranding of dried buttermilk. U. S. v. 135 Bags of Dried Buttermilk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 31276. Sample no. 14139-A.)

This case involved a shipment of a product which was represented to be dried buttermilk, but which consisted of dried skimmed milk. Examination also showed that the article contained less fat than labeled.

On October 26, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bags of dried buttermilk at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 26, 1933, by the Universal By-Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pure Dried Buttermilk Manufactured by Universal By-Products Co. San Francisco, Calif. Guaranteed Analysis * * * Crude Fat not less than 5.05%."

It was alleged in the libel that the article was adulterated in that dried skimmed milk had been substituted wholly or in part for dried buttermilk, which the article purported to be.

Misbranding was alleged for the reason that the statements on the tag, "Pure Dried Buttermilk" and "Crude Fat Not Less than 5.05%", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 10, 1933, the Baltimore Feed & Grain Co., Baltimore, Md., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

21739-a Adulteration of canned huckleberries. U. S. v. 63 Cases, et al. of Canned Huckleberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31310, 31544, 31579, 31601, 31605, 31644. Sample nos. 51337-A, 51338-A, 58651-A, 58652-A, 58660-A.)

These cases involved various shipments of canned huckleberries that were found to contain maggots.

On November 1, 4, and 13, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 322 cases of canned huckleberries at Philadelphia, Pa. On November 18 and 22, 1933, the United States attorney for the Southern District of New York filed libels against 249 cases of canned huckleberries at New York, N.Y., and on November 27, 1933, a libel was filed in the District of New Jersey against 147 cases of the product at Burlington, N.J. It was alleged in the libels that the article had been shipped in interstate commerce by Ivan Pettit, from Burlington, N.J., into the States of Pennsylvania and New York, respectively; that the shipments covered the period from August 10, 1933, to October 11, 1933; that 147 cases of the product had been reshipped by the consignee at New York, N.Y., to Burlington, N.J.; and that the article was adulterated in violation of the

Food and Drugs Act. A portion of the article was labeled: "Burlington Brand Huckleberries * * * Packed by Ivans Pettit Burlington, N.J." The remainder was labeled in part, variously: "Pansy Brand", "Red Seal Brand", "Harbor Front Huckleberries", or "Lucky Boy Brand."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 28, December 5, December 30, 1933, and January 3, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21740. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31588. Sample no. 56166-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 9, 1933, by Steve Kapellas, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21741. Adulteration of butter. U. S. v. 76 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31711. Sample no. 51912-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 21, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by the Alta Vista Farmers' Mutual Creamery Association, from Alta Vista, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 27, 1933, the Alta Vista Farmers Cooperative Creamery Association, Alta Vista, Iowa, having appeared through an agent as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21742. Adulteration and misbranding of canned shrimp. U. S. v. 700 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Portion of product ordered destroyed. Remainder released under bond to be relabeled. (F. & D. no. 31292. Sample no. 45310-A.)

This case involved an interstate shipment of canned shrimp identified by various codes. Examination showed that the shrimp in two of the codes was in part decomposed. The labels of a portion of the article, which purported to give the name of the manufacturer and place of manufacture, incorrect, and some of the labels also bore a false claim that the said portion had been packed under the supervision of Alabama State officials.

On October 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by Gussie Fountain Packing Co., Inc., from Biloxi, Miss., and charging that a part of the article was adulterated and that a part was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Johnson's Choice Brand Shrimp * * * Packed by Gulf Coast Canneries, Incorporated, Biloxi, Miss." The remainder was labeled in part: "Mo Bil Bay Brand Fancy Selected Shrimp * * * Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama." (Code mark showed that the latter brand was also packed by the Gulf Coast Canneries.)

It was alleged in the libel that the portions of the article identified under two of the several codes was adulterated in that it consisted in part of a decomposed animal substance.

It was further alleged in the libel that a portion was misbranded in that the statements on certain of the cans: "Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama", were false and misleading.

On November 10, 1933, Stanley H. Butte having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product charged to be adulterated be destroyed, and that the remainder be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it should not be sold or disposed of until labeled in conformity with the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21743. Misbranding of stock feed. U. S. v. 100 Bags of Stock Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31185. Sample no. 14133-A.)

This case involved an interstate shipment of a quantity of stock feed that contained less protein and fat and more fiber than was declared on the labeling.

On or about September 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of stock feed at Aberdeen, Md., alleging that the article had been shipped in interstate commerce on or about June 22, 1933, by A. Overhold & Co., from Broad Ford, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Overco Stock Feed Manufactured and Packed by A. Overhold & Co. Broad Ford, Pa. * * * Protein 18.00 Fat 7.01 Fibre 16.58."

It was alleged in the libel that the article was misbranded in that the statement on the tag label, "Protein 18.00 Fat 7.01 Fibre 16.58", was false and misleading and deceived and misled the purchaser.

On November 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21744. Misbranding of sandwich spread. U. S. v. 24 Dozen Jars of Sandwich Spread. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31221. Sample no. 55596-A.)

Sample jars of sandwich spread taken from the shipment involved in this case were found to contain less than 8 ounces, the declared weight.

On October 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen jars of sandwich spread at Atlantic City, N.J., alleging that the article had been shipped in interstate commerce on or about August 22, 1933, by the Bronson Mayonnaise Manufacturing Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cont. 8 ozs. J. D. W. Brand Sandwich Spread."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 8 ozs.", was false and misleading and deceived

and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made, "Cont. 8 ozs.", was ambiguous, and since it was short of the declared quantity of contents whether construed on the basis of weight or on the basis of volume.

On November 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21745. Adulteration of apple pomace. U. S. v. 590 Sacks of Apple Pomace. Default decree of condemnation and destruction. (F. & D. no. 30445. Sample no. 35097-A.)

The case involved a shipment of apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On May 10, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 590 sacks of apple pomace at Orrville, Ohio, alleging that the article had been shipped in interstate commerce on or about January 24, 1933, from the A. M. Richter Sons Co., Manitowoc, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On October 12, 1933, the case having been called and all parties in interest having been found in default, judgment was entered ordering that the product be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21746. Misbranding of Syl-Vette. U. S. v. 40 Dozen Jars and 60 Dozen Jars of Syl-Vette. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 31055, 31160. Sample nos. 37958-A, 44141-A.)

These cases involved two lots of Syl-Vette, a product which was labeled to convey the impression that it was low in food value and could be used in place of the regular food in dieting to reduce weight. Examination showed that the article was high in food value and would not of itself effect a reduction in flesh.

On September 7, and September 27, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 100 dozen jars of Syl-Vette at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about July 17 and August 23, 1933, by Syl-Vette, Inc., from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding of a portion of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of both lots was alleged for the reason that the following statements appearing in the labeling were false and misleading and deceived and misled the purchaser, since they implied that the product was low in food value, whereas it was high; and was also misbranded as to its effect, since it would not of itself effect any reduction in flesh: (Carton) "A new safe reducing food * * * A natural reducing food that takes the place of one or more of your regular meals * * * and will prevent any nervous sickness or weakness due to lack of food in your stomach * * * Syl-Vette is the new safe way to reduce * * * A natural reducing food"; (jar) "A natural reducing food that takes the place of one or more of your regular daily meals and quickly rids you of all excess fat * * * and will also prevent nervousness or weakness due to lack of food in your stomach"; (circular) "A New Safe Reducing Food that takes the place of one or more of your regular meals * * * Syl-Vette will take off excess fat and reduce your weight gradually and without harm to your health or vitality. * * * Syl-Vette is * * * the only natural and healthful way to slenderize your figure * * * Syl-Vette will prevent your becoming nervous and weak during the treatment because it supplies enough nourishment and vitamins, free from any fat producing elements,

* * * Syl-Vette * * * Supplies all of the essential salts and vitamins necessary to sustain the normal average strength of the patient without detriment."

On September 20, and November 3, 1933, Syl-Vette, Inc., Wheeling, W.Va., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond conditioned that it be relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21747. Adulteration and misbranding of coffee and chicory, and coffee and cereal. U. S. v. 100 Pounds of Coffee. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 31213. Sample nos. 49082-A, 49084-A.)

One of the products involved in this case was represented to be coffee and chicory, but it was found to consist of coffee and cereal (rye), with no appreciable amount of chicory present. The other lot was represented to be coffee and cereal, but was found to consist of coffee and rye cereal, with about 5 percent of added chicory.

On October 9, 1933, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 pounds of alleged coffee and chicory, and coffee and cereal at Nashville, Ga., alleging that the articles had been shipped in interstate commerce on or about September 5, 1933, by W. S. Quinby Co., from Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the alleged coffee and chicory was in a bag stenciled: "Winner Coffee & Chicory Queens Cup", and the remainder was in 1-pound bags labeled: "Queen's Cup Coffee & Chicory." The alleged coffee and cereal was contained in a bag stenciled: "Twin Six Coffee & Cereal."

It was alleged in the libel that the articles were adulterated in that coffee and cereal (rye) with only a trace of chicory had been substituted for coffee and chicory, and in that coffee and cereal with added chicory had been substituted for coffee and cereal.

Misbranding was alleged for the reason that the statements, "Coffee & Chicory" and "Coffee & Cereal", stenciled or printed on the sacks and bags, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On November 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be delivered to a charitable organization, since the adulteration was not of such a nature as to make the articles injurious to health.

M. L. WILSON, *Acting Secretary of Agriculture.*

21748. Misbranding of wheat middlings. U. S. v. The Warwick Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30125. I.S. nos. 18571, 18572.)

This case was based on interstate shipments of a product which was represented to be wheat middlings, but which was found to consist in part of screenings or scourings, or both screenings and scourings.

On June 20, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warwick Co., a corporation, trading at Massillon, Ohio, alleging shipment by said company in violation of the Food and Drugs Act on or about March 30, and April 5, 1932, from the State of Ohio into the State of Maryland, of quantities of alleged wheat middlings that were misbranded. The article was labeled in part: (Tag) "Wheat Middlings * * * The Warwick Co. Massillon Ohio."

It was alleged in the information that the article was misbranded in that the statement, "Wheat Middlings", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not consist wholly of wheat middlings but did consist in part of screenings and/or scourings.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21749. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31308. Sample no. 55778-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On October 4, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 26, 1933, by James L. Humphrey, Jr., from Humeston, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 2, 1933, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21750. Adulteration and misbranding of coffee. U. S. v. 4 Drums of Coffee. No claim entered. Verdict for the Government. Decree of condemnation containing provision for delivery of product to a charitable organization. (F. & D. no. 31261. Sample no. 35383-A.)

This case involved a product which was represented to be coffee but which was found to contain approximately 25 percent of cereal and a small amount of chicory.

On October 21, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four drums of coffee at West Monroe, La., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by the Interstate Coffee Co., from Natchez, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Special Rio A 1 Roasted and Packed by Interstate Coffee Co., Natchez, Mississippi."

It was alleged in the libel that the article was adulterated in that coffee, cereal, and chicory had been substituted for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Special Rio A One" and "Interstate Coffee Co.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, since it was invoiced as "Special Rio Medium Dark Roast", which implied that the article was coffee.

On November 17, 1933, no claimant having appeared for the property, and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

21751. Adulteration and misbranding of butter. U. S. v. Harry A. Ernster and Raymond J. Ernster (Ernster Bros.). Plea of guilty. Fine, \$25. (F. & D. no. 27495. I.S. no. 25168.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court an information against Harry A. Ernster and Raymond J. Ernster, copartners, trading as Ernster Bros., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 25, 1931, from the State of Illinois into the State of Indiana, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Pure Creamery Butter Quality Brand * * * Packed for Haxson Dairy Co., Inc."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On December 11, 1933, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21752. Misbranding of gray wheat shorts and screenings. U. S. v. 500 Sacks of Gray Wheat Shorts and Screenings. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31731. Sample no. 57532-A.)

This case involved an interstate shipment of feed that contained more crude fiber than declared on the label.

On November 13, 1933, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of five hundred 100-pound sacks of gray wheat shorts and screenings at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by Black Bros. Flour Mills Co., from Beatrice, Nebr., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Guaranteed Analysis * * * Crude Fibre, Max. 6.00% * * * Black Bros. Flour Mills Beatrice, Nebr."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Crude Fibre, Max. 6.00%", was false, since the article contained more than 6 percent of crude fiber.

On November 20, 1933, the Black Bros. Flour Mills Co., Beatrice, Nebr., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

21753. Adulteration of apples. U. S. v. 67 Bushels, et al., of Apples. Decrees of condemnation and forfeiture. Product released under bond for cleaning to remove poisonous ingredient. (F. & D. nos. 31712, 31713. Sample nos. 56458-A, 56459-A, 56460-A.)

These cases involved interstate shipments of apples that were found to bear arsenic in an amount that might have rendered the article injurious to health.

On November 2 and November 8, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 528 bushel baskets of apples at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by the Bovard Orchards, from Frankfort, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On November 24, 1933, the Bovard Orchards having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$500, conditioned

that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, it having been found by the court that the article could be brought into compliance with the law by washing to remove the poisonous ingredient.

M. L. WILSON, *Acting Secretary of Agriculture.*

21754. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31101. Sample no. 40329-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about August 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 7, 1933, by the Meridean Co-op Creamery Co., from Meridean, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 12, 1933, Leserman Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21755. Adulteration of tomato catsup. U. S. v. 130 Cartons of Canned Tomato Catsup. Default decree of destruction. (F. & D. no. 31260. Sample no. 50237-A.)

This case involved a shipment of canned tomato catsup that was found to contain excessive mold.

On or about October 24, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 cartons of tomato catsup at Chillicothe, Ohio, alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by C. F. Bonsor Co., from Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crimson Queen Brand * * *

Catsup."

It was alleged in the libel that the article was adulterated in that an analysis showed the presence of a decomposed vegetable substance.

On December 14, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21756. Adulteration of apples. U. S. v. 14,280 Pounds of Apples. Product released under bond, conditioned that poisonous or deleterious substances be removed. (F. & D. no. 31307. Sample no. 52554-A.)

This case involved an interstate shipment of apples that were found to bear excessive lead and arsenic spray residue.

On October 17, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14,280 pounds of apples at Columbus, Nebr., alleging that the article had been shipped in interstate commerce on or about October 13, 1933, by the Wathena Fruit Growers & Produce Co., from Wathena, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, excessive lead and arsenic spray, which might have rendered the article injurious to health.

On December 11, 1933, Harry Kaplan, Columbus, Nebr., claimant having admitted the allegations of the libel and having consented to the entry of a

decree condemning and forfeiting the property, judgment was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the poisonous or deleterious ingredients be removed by cleaning, washing, or other means.

M. L. WILSON, *Acting Secretary of Agriculture.*

21757. Misbranding of cottonseed cake. U. S. v. The Hill County Cotton Oil Co. Plea of guilty. Fine, \$75. (F. & D. no. 29376. I.S. nos. 47489, 47492.)

This case was based on shipments of cottonseed cake which contained less protein than was declared on the label, and a part of which was also short weight.

On March 7, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hill County Cotton Oil Co., Hillsboro, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 19, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake that was misbranded. A portion of the article was labeled: "43% Protein Cracked Cotton Seed Cake Prime Manufactured By Hill County Cotton Oil Company, Hillsboro, Texas, Guaranteed Analysis Protein, not less than 43.00 per cent." The remainder was labeled: "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Made from Decorticated Cotton Seed by Southland Cotton Oil Co. * * * Paris, Texas."

It was alleged in the information that the article was misbranded in that the statements, "43% Protein Cracked Cotton Seed Cake Prime", and "Guaranteed Analysis Protein, not less than 43.00 per cent", with respect to a portion of the article, and the statements, "100 Lbs. Net", and "Guaranteed Analysis Crude Protein, not less than 43%", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and the sacks in one of the shipments contained less than 100 pounds. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement was incorrect.

On November 17, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21758. Alleged adulteration and misbranding of butter. U. S. v. William Louis Korter (Idaho Dairy Products Co.). Tried to a jury. Verdict of not guilty. (F. & D. no. 29497. Sample nos. 1507-A, 1714-A, 1720-A, 1725-A.)

This case was based on interstate shipments of butter charged to be below the legal standard.

On May 15, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Louis Korter, trading as the Idaho Dairy Products Co., Moscow, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of April 15, 1932, and May 13, 1932, from the State of Idaho into the State of Washington, of quantities of butter that was charged to be adulterated and misbranded. The article was labeled in part: "Idaho State Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser.

On November 18, 1933, the case came on for trial before the court and a jury. The trial was completed on November 20, 1933, on which date the case was submitted to the jury, which returned a verdict of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

21759. Misbranding of Peerless Milk Ration. U. S. v. Arcady Farms Milling Co. Plea of guilty. Fine, \$200. (F. & D. no. 29360. I.S. no. 18368.)

This case was based on an interstate shipment of a feed which purported to bear on the label a correct declaration of all ingredients. Examination showed that the article contained no linseed oil meal, one of the labeled ingredients, and did contain oat hulls, an undeclared ingredient.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arcady Farms Milling Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 23, 1930, from the State of Illinois into the State of Kentucky, of a quantity of Peerless Milk Ration that was misbranded. The article was labeled in part: (Tag) "Peerless Milk Ration Made by Arcady Farms Milling Co. Chicago, Ill."

It was alleged in the information that the article was misbranded in that the statements on the label, "Made From: Cottonseed Meal, Old Process Linseed Oil Meal, Corn Gluten Feed, Wheat Bran, Dried Brewers' Grains from Barley Malt and Corn, 20% Ground and Bolted Grain Screenings containing 50% Weed Seeds, Molasses, Salt $\frac{1}{2}\%$ ", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was composed exclusively of the ingredients named on the label, whereas it was not, since it contained no old process linseed oil meal, one of the declared ingredients, and did contain added oat hulls, an ingredient which was not declared.

On December 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21760. Adulteration of apples. U. S. v. 35 Bushels of apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31688. Sample no. 59451-A.)

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 31, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 24, 1933, by William Hamlin, from Glenn, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On December 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21761. Adulteration and misbranding of coffee. U. S. v. 13 Cases, et al., of Coffee. Default decrees of condemnation and forfeiture. Portion of product destroyed. Remainder delivered to a charitable institution. (F. & D. nos. 31086, 31087, 31124, 31128. Sample nos. 39401-A, 39402-A, 39942-A, 39943-A.)

These cases involved interstate shipments of coffee that contained coffee chaff and rye cereal.

On September 13 and September 20, 1933, the United States attorney for the Middle District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 cases of coffee, in part at Quitman, Ga., and in part at Thomasville, Ga. On September 14, 1933, a libel was filed in the Southern District of Georgia against 13 cases of coffee at Waycross, Ga., and on September 20, 1933, a libel was filed in the Northern District of Florida against 10 cases of coffee at Tallahassee, Fla. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of May 10 and August 8, 1933, by the Johnson Coffee Co., from Chattanooga, Tenn., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was contained in paper bags labeled in part: "Black Joe Brand Pure Rio Coffee Roasted and Packed for Suwanee Stores."

The libels charged that the article was adulterated in that coffee chaff and rye cereal had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for coffee.

Misbranding was alleged for the reason that the statement, "Pure * * * Coffee", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

No claim was entered for the property seized. On November 1 and November 7, 1933, judgments were entered in the Southern District of Georgia and the Northern District of Florida ordering that the product be destroyed. On November 28, 1933, judgment of condemnation and forfeiture was entered in the cases instituted in the Middle District of Georgia, and it was ordered by the court that the product be delivered to a charitable institution, since the adulteration was of such nature as not to be injurious to health.

M. L. WILSON, *Acting Secretary of Agriculture.*

21762. Adulteration of bottled beer. U. S. v. 24 Cases of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31023. Sample no. 44233-A.)

This case involved an interstate shipment of bottled beer that was in part sour and spoiled.

On August 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of bottled beer at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about May 5, 1933, by Berks County Bottling Works, from Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bushkill Lager Bushkill Products Co., Easton, Penna."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21763. Misbranding of walnut meats. U. S. v. 92 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30979. Sample no. 50878-A.)

This case involved an interstate shipment of walnut meats in cans. Sample cans taken from the shipment were found to contain less than 8 ounces, the labeled weight.

On August 29, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of walnut meats at Denver, Colo., consigned by the Dundee Walnut Association, Dundee, Oreg., alleging that the article had been shipped in interstate commerce on or about November 10, 1932, from Dundee, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Nor-Pac Oregon walnut meats. Fancy Light Net Wt. 8 Ounces. North Pacific Nut Growers Cooperative, Lebanon, Oregon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Wt. 8 Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On November 24, 1933, the North Pacific Nut Growers Cooperative, Lebanon, Oreg., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21764. Adulteration and misbranding of canned shrimp. U. S. v. 81 Cases of Canned Shrimp. Part of product released. Remainder condemned and destroyed. (F. & D. no. 29833. Sample no. 36951-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed. Sample cans taken from the shipment were also found to contain less than the declared weight.

On February 9, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped on or about September 24, 1932, from New Orleans, La., to Seattle, Wash., by Lipscomb Bros., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. On March 20, 1933, the libel was amended to include an adulteration charge. The article was labeled in part: (Cans) "Happy Home Brand Shrimp Contents 9 Oz."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement, "Contents 9 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

One hundred and five cases of the product were seized. On August 7, 1933, 33 cases were ordered released as not in violation of the law, having been seized through error. On September 22, 1933, no claimant having appeared for the remaining 72 cases, judgment of condemnation and forfeiture was entered, and it was ordered by the court that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21765. Adulteration of cauliflower. U. S. v. 45 Cases of Cauliflower. Consent decree of destruction. (F. & D. no. 31586. Sample no. 50370-A.)

This case involved an interstate shipment of cauliflower that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 20, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cases of cauliflower at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the Erie County Growers & Shippers Association, from Orchard Park, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On October 21, 1933, the shipper having requested that the cauliflower be immediately destroyed, a decree was entered by the court ordering its destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

21766. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 30286. Sample no. 17387-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On September 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Durango, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 26, 1932, from the State of Colorado into the State of California, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On November 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21767. Adulteration of apples. U. S. v. 41 Bushels of Apples. Default decree of destruction. (F. & D. no. 31641. Sample no. 57722-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 16, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 bushels of apples at Miles, Tex., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by J. D. Simmons, from the State of Oklahoma into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 17, 1933, the allegations of the libel having been admitted by the owner of the property, judgment was entered ordering that the apples be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21768. Adulteration of apples. U. S. v. 29 Bushel Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31229. Sample no. 55514-A.)

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 2, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by H. C. Richardson, from Wyoming, Del., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21769. Adulteration of apples. U. S. v. 100 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31640. Sample no. 55933-A.)

This case involved an interstate shipment of apples that were found to contain arsenic and lead in amounts that might have rendered them injurious to health.

On or about September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 16, 1933, by Chas. Lawson, from Omena, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 14, 1933, Thomas S. Smith & Co., Hart, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that the apples be washed under the supervision of this Department, in order to remove the deleterious ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*

21770. Adulteration of ripe olives. U. S. v. 183 Barrels of Ripe Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31230. Sample no. 55776-A.)

This case involved a shipment of ripe olives which were found to be extremely bitter, an appreciable number being moldy.

On October 11, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 barrels of ripe olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by Frank Cimino, from Madera, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid vegetable substance.

On November 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21771. Adulteration of tomato puree. U. S. v. The Wooster Preserving Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29452. I.S. no. 44791.)

This case was based on an interstate shipment of tomato puree that was found to contain excessive mold.

On April 14, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wooster Preserving Co., a corporation, Wooster, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 21, 1931, from the State of Ohio into the State of West Virginia, of a quantity of tomato puree that was adulterated. The article was labeled in part: "Cedar Valley Brand Puree * * * Packed By The Wooster Preserving Co. Wooster, Ohio."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21772. Misbranding of olive oil. U. S. v. 20 Dozen Bottles, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31259, 31593, 31744. Sample nos. 47192-A, 47193-A, 52116-A, 55519-A.)

These cases involved olive oil contained in triangular-shaped bottles, two sides concave and one side flat. The bottles conveyed the deceptive impression that they contained more than the actual contents, which impression was not corrected by the declaration of the contents, since the statement of the contents was embossed in reverse on the outside of the bottles near the base and could be read only with difficulty, and by looking through the bottle, the contents further interfering with legibility.

On October 20, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 dozen bottles of olive oil at Atlantic City, N.J. On November 16 and December 18, 1933, respectively, libels were filed against 280 bottles of olive oil at Boston, Mass., and 9½ cases of olive oil at Irvington N.J. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of June 13, and October 19, 1933, by DeLuca & Co. or A. DeLuca & Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Imported Olive Oil De Luca & Co., N. Y.", (embossed on bottle) "2 Oz." or "6 Oz."

The libels charged that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On November 24, 1933, and January 8 and January 31, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21773. Misbranding of coffee. U. S. v. 9 Cases of Coffee. Default decree of condemnation and destruction. (F. & D. no. 31209. Sample no. 42354-A.)

This case involved a shipment of a product which was represented to be coffee but which was found to consist of a mixture of coffee, cereal, and siftings.

On October 4, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases each containing thirty-six 1-pound packages of coffee, at Ashland, Ky., alleging that the article had been transported in interstate commerce from Portsmouth, Ohio, on or about July 20, 1932, having been shipped by the Ohio Valley Coffee Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Main panel of carton) "Fad Brand Ground Roasted Coffee Roasted and packed by The Ohio Valley Coffee Co., Portsmouth"; (opposite panel) "Fad Brand Ground Roasted Coffee Plus Grain."; (side panels) "Most delicious coffee * * * It's absolutely pure * * * This * * * coffee * * * real coffee."

It was alleged in the libel that the article was misbranded in that the following statements in the labeling of the package were false and misleading and deceived and misled the purchaser: (Main panel) "Ground, Roasted Coffee", (side panels) "Most Delicious Coffee", "It's Absolutely Pure", "This * * * Coffee", "Real Coffee."

On November 29, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21774. Adulteration of canned shrimp. U. S. v. 200 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of bad portions. (F. & D. no. 31549. Sample no. 58581-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 6, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 6, 1933, by the Fisher Sea Food Co., from Lafitte, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fisher's Blue Gulf Brand Shrimp * * * Packed by Fisher Seafood Company, Lafitte, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 15, 1933, Louis A. Ludwig & Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned that the unfit portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21775. Adulteration of broccoli. U. S. v. 464 Crates of Broccoli. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31539. Sample no. 51617-A.)

This case involved an interstate shipment of broccoli that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 25, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 464 crates of broccoli at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the Golden West Shippers, from Guadalupe, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21601-21775

Apple butter:	N.J. No.
Preserves & Honey, Inc.	21683
Apples:	
Deyo, S. R., Co.	21698
Gregory-Robinson-Speas, Inc.	21618
Hildick, Walter H., Co.	21718
Mathes, W. E., Vinegar Co.	21737
Richter, A. M., Sons Co.	21745
serap:	
Washington Dehydrated Food Co.	21678
Apples:	
Armatar, Tom	21613
Atkinson, Lee	21727
Bement, Allen	21623
Bever, J. R.	21693
Bovard Orchards	21753
Brogdon, W. B.	21623
Dohm, C. E.	21609
Ensfield, O. L.	21733
Flagg, D. H.	21726
Hamlin, William	21760
Hines, H. H.	21629
Kapellas, Steve	21740
Lawson, Chas.	21769
Richardson, H. C.	21768
Simmons, J. D.	21767
Smith, T. S.	21738
Smith, Thomas, Co.	21738
Wathena Fruit Growers & Produce Co.	21756
crab:	
Millburg Growers Exchange	21647
evaporated:	
Ah Wah	21669
Davis, M. J.	21668
Beer. See Beverages and beverage bases.	
Beverages and beverage bases:	
beer:	
Berks County Bottling Works	21762
fruit sirups:	
Orchard Products Co.	21644
grapefruit juice:	
	21664
Blueberries:	
Smith, Delmont	21638
Tucker, F. M.	21605
See also Huckleberries.	
Bluefish. See Fish.	
Bone meal. See Feed.	
Bran. See Feed.	
Broccoli:	
Golden West Shippers	21775
Butter. See Dairy products.	
Buttermilk, dried. See Feed.	
Candy:	
Belle Mead Sweets, Inc.	21642
Catsup. See Tomato catsup.	
Cauliflower:	
Erie County Growers & shippers Assoc.	21765
Fort, Z. J., Produce Co.	21696
Cheese. See Dairy products.	
Cherries, canned:	
Colorado Brokerage Co.	21663
Morgan, John C., Co.	21652
Scowcroft, John. Sons Co.	21662
Utah Canning Co.	21672
Victor Food Corporation	21619
in brine:	
Allen Fruit Co.	21616
Allen, W. G.	21616
Allen, W. G., Fruit Co.	21616
Hunt Bros. Packing Co.	21616
Chicken, canned:	
Elmwood Farm	21683

Chocolate coatings:	N. J. No.
Warfield Chocolate Co.	21654
peppermints:	
Belle Mead Sweets	21642
Coconuts:	
Ramirez, Antonio	21628
Coffee:	
Interstate Coffee Co.	21750
Johnson Coffee Co.	21761
MacGowan Coffee Co.	21695
Ohio Valley Coffee Co.	21773
Suwanee Stores	21761
and cereal:	
Quinby, W. S., Co.	21747
and chicory:	
Quinby, W. S., Co.	21747
Cottonseed cake. See Feed.	
screenings. See Feed.	
meal. See Feed.	
Crab apples. See Apples.	
Crab meat. See Shellfish.	
Crawfish meat. See Shellfish.	
Currants:	
Kretschman, Fred	21702
Rambo, L. J.	21648
Dairy products:	
butter:	
Ada County Dairymen's Association	21655
Akron Creamery Co.	21667
Alta Vista Farmers' Mutual Creamery Assoc.	21741
Arrow Creamery Co.	21631
Becker, I., Inc.	21635
Breakstone Bros., Inc.	21635
Coeur d'Alene Creamery Co.	21704
Cole Camp Creamery	21679
Cudahy Packing Co.	21624
D. & D. Creamer	21602
Downie, J. W.	21602
Ernster Bros.	21751
Ernster, H. A.	21751
Ernster, R. J.	21751
Eureka Creamery Co.	21690
Fairmont Creamery Co.	21714
Fergus County Creamery	21636
Freese's, George, Sons Co.	21607
Frye & Co.	21666
Goldfield Cooperative Creamery Assoc.	21710
Haxson Dairy Co., Inc.	21751
Humphrey, J. L., Jr.	21749
Idaho Dairy Products Co.	21758
Jersey Butter Co.	21681
Kortner, W. L.	21758
Larsen, O. C.	21667
Lisbon Cooperative Creamery Co.	21722
Lisbon Creamery Co.	21722
McIlhane Creamery Co.	21730
McIlhane, J. S.	21730
Madsen, William	21679
Marley Farms Co.	21635
Marshall County Cooperative Creamery	21624
Meridean Cooperative Creamery Co.	21754
Mondovi Butter Association	21689
Nelson, R. H.	21723
Nelson-Ricks Creamery Co.	21665
North Idaho Cooperative Creamery	21608
Parrish, C. R.	21723
Preston Produce Co.	21621
Reynolds, J. E.	21671
R-K Creamery	21701
Rosebud Creamery Co.	21627

¹ Contains instructions to the jury.

		N. J. No.
Dairy products—Continued.		
Ruston Creamery	-----	21671
Smith, Joe	-----	21608
Sugar Creek Creamery Co.	-----	21688
Swift & Co.	-----	21766
butter—continued.		
Tooke, C. A.	-----	21671
Tooke, C. E.	-----	21671
Valley Creamery, Ltd.	-----	21723
Western Creamery Co., Inc.	-----	21610
Young, R. B.	-----	21679
cheese, grated:		
Ehrat Food Corporation	-----	21735
Egg noodles. <i>See</i> Noodles.		
Eggs, frozen:		
Friche & Sons, Inc.	-----	21606
Hanna Poultry & Egg Co.	-----	21606
Standard Brands, Inc.	-----	21606
Swift & Co.	-----	21734
Feed:		
Overhold, A., & Co.	-----	21743
bone meal:		
Consumers Import Co.	-----	21656
bran:		
Voigt Milling Co.	-----	21615
buttermilk, dried:		
Universal By-Products Co.	-----	21739
cottonseed cake:		
Hill County Cotton Oil Co.	-----	21757
Southland Cotton Oil Co.	-----	21757
and meal:		
Feeders Supply & Manufac-	-----	
turing Co.	-----	21601
meal:		
Heflin, R. L., Inc.	-----	21601
Pincoffs, Maurice, Co.	-----	21653
Transit Milling Co.	-----	21653
screenings:		
Heflin, R. L., Inc.	-----	21601
Kansas City Cake & Meal Co.	-----	21677
Morrilton Cotton Oil Co.	-----	21677
Morrilton Cotton Oil Mill.	-----	21677
National Cottonseed Products	-----	
Corporation	-----	21677
Rosebud Oil & Cotton Co.	-----	21614
Worth, L. C.	-----	21622
Worth, L. C., Commission Co.	-----	21622
meat scraps:		
Riverdale Products Co.	-----	21612
middlings:		
Warwick Co.	-----	21748
peanut meal:		
Wilkins-Rogers Milling Co.,	-----	
Inc.	-----	21721
Peerless Milk Ration:		
Arcady Farms Milling Co.	-----	21759
shorts, gray, and screenings:		
Black Bros. Flour Mills Co.	-----	21752
Fish:		
bluefins:		
Hogstad Fish Co.	-----	21675
Lake Superior Fish Co.	-----	21674
<i>See also</i> Herring.		
herring:		
Lake Superior Fish Co.	-----	21620
salmon, canned:		
Alaska Year Round Can-	-----	
neries Co.	-----	21634, 21680
Chinook Packing Co.	-----	21725
Cotter, R. E.	-----	21715
Emery Food Co.	-----	21720
Libby, McNeill & Libby	-----	21720
Pacific American Fisheries	-----	21712
Union Fisherman's Coopera-	-----	
tive Packing Co.	-----	21692
tullibees:		
Arneson, B.	-----	21686
Miller, Gordon	-----	21717
Neumiller, George	-----	21659
Neumiller, John	-----	21709
Toombs, Perry	-----	21660
Tviet, Ed.	-----	21673
Flavor, lemon:		
Thomson & Taylor Co.	-----	21603
Flour:		
Fant Milling Co.	-----	21724
Grapefruit juice. <i>See</i> Beverages and		
beverage bases.		
Grapes, dried:		
		N. J. No.
Levi, M. B.	-----	21682
Rosemel Fruit Co.	-----	21682
Greens, mustard, canned:		
Thrift Packing Co.	-----	21604, 21716
turnip, canned:		
Dorgan-McPhillips	Packing	
Corporation	-----	21697
Herring. <i>See</i> Fish.		
Huckleberries:		
Roudabush, H. A. (or H. E.)	-----	21687
Sipe, B.	-----	21632
canned:		
Pettit, Ivans.	-----	21739-a
<i>See also</i> Blueberries.		
Jelly:		
Red Wing Co.	-----	21630
Lemon flavor. <i>See</i> Flavor.		
Mayonnaise:		
Aunt Almira's Products Co.	-----	21713
Meat scraps. <i>See</i> Feed.		
Middlings. <i>See</i> Feed.		
Milk ration. <i>See</i> Feed.		
Mustard greens. <i>See</i> Greens.		
salad:		
Curtiss Candy Co.	-----	21736
Noodles, egg:		
Figler-Saltzman & Co.	-----	21617
Figler, Saltzman & Glick,	-----	
Inc.	-----	21617
Nuts:		
walnut meats:		
Dundee Walnut Association	-----	21763
North Pacific Nut Growers	-----	
Cooperative	-----	21763
Oil, cooking and table:		
Italian Food Products Corpo-	-----	
ration	-----	21670
olive:		
De Luca & Co.	-----	21772
De Luca, A. & Co.	-----	21772
Russo, A., & Co.	-----	21658
salad:		
Modern Packing Co.	-----	21651
Ragus Packing Corporation	-----	21649
Staiti, H. J., Inc.	-----	21691
vegetable or salad:		
Staiti, H. J., Inc.	-----	21691
Olive oil. <i>See</i> Oil.		
Olives:		
Cimino, Frank	-----	21770
Peaches, dried:		
Mount Whitney Corporation	-----	21641
Mount Whitney Packing Cor-	-----	
poration	-----	21641
Peanut butter:		
Curtiss Candy Co.	-----	21736
meal. <i>See</i> Feed.		
Pears, dried:		
Guggenlime & Co.	-----	21639
Peas, canned:		
Crites, H. M., & Co.	-----	21625
Eavey Co.	-----	21625
Perfect, A. H., & Co.	-----	21625
Pectin, powdered:		
California Fruit Growers Ex-	-----	
change	-----	21708
Peppermints, chocolate:		
Belle Mead Sweets	-----	21642
Pineapple, canned:		
Cuban Canning Co.	-----	21699
Potatoes:		
Choznacky, R. V., Co.	-----	21728
Christensen, Chris	-----	21729
Rigby Martin Potato Co.	-----	21640
Salad oil. <i>See</i> Oil.		
Salmon. <i>See</i> Fish.		
Sandwich spread:		
Bronson Mayonnaise Manu-	-----	
facturing Co.	-----	21744
Shellfish:		
crab meat:		
Amory & Holloway	-----	21646

Shellfish—Continued.	N. J. No.	Shortening:	N. J. No.
Ayers, F. H., & Son-----	21657	Interstate Cotton Oil Refining Co-----	21732
Baker, G. N., & Co.-----	21611, 21711	Shorts and screenings. <i>See</i> Feed.	
Ballard Bros. Fish Co. 21661,	21703	Sirup, maple-flavor:	
Fleming, J. H., & Co-----	21643	Morey Mercantile Co-----	21694
McNasby Oyster Co-----	21645	Syl-Vette:	
Marshall Seafood Co-----	21705	Syl-Vette, Inc-----	21746
Philpotts, G. A-----	21706, 21719	Tomato catsup:	
Watkins, E. L-----	21650	Bonsor, C. F., Co-----	21755
crayfish meat:		puree:	
East Coast Fish Market Co--	21637	Wooster Preserving Co-----	21771
shrimp, canned:		Tomatoes, canned:	
Biloxi Canning & Packing Co. 21635		Cherokee Products Co-----	21707
Dixie Fruit Products Co-----	21742	Seaside Canning Co-----	21684
Fisher Sea Food Co-----	21774	Wheatly, W. L-----	21731
Fountain, Gussie, Packing Co., Inc-----	21742	Tullibees. <i>See</i> Fish.	
Gulf Coast Canneries, Inc-----	21742	Turnip greens. <i>See</i> Greens.	
Lipscomb Bros., Inc-----	21764	Vinegar:	
		Speas Manufacturing Co-----	21676
		Walnut meats. <i>See</i> nuts.	

96